

ESTTA Tracking number: **ESTTA564235**

Filing date: **10/10/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054573
Party	Plaintiff LayerZero Power Systems, Inc.
Correspondence Address	RAYMOND RUNDELLI CALFEE HALTER & GRISWOLD LLP 1405 EAST SIXTH STREET, THE CALFEE BUILDING CLEVELAND, OH 44114-1607 UNITED STATES rrundelli@calfee.com, jcastrovinci@calfee.com, ssmith@mccarter.com, jwhitney@mccarter.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Raymond Rundelli
Filer's e-mail	ipdocket@calfee.com, rrundelli@calfee.com, jwick@calfee.com
Signature	/Raymond Rundelli/
Date	10/10/2013
Attachments	02194206.PDF(72406 bytes ) 02194209.PDF(2302021 bytes ) 02194214.PDF(1382517 bytes )

In the Matter of Registration Nos.: 3,998,542 and 3,998,543  
For the Marks: LAYER ZERO and LAYER 0  
Issued on: July 19, 2011

Registrant.

Cancellation No. 92054573

Pursuant to Trademark Rule 2.122 (e) and TBMP §§704.07 and 704.08, Petitioner, LayerZero Power Systems, Inc. (“Petitioner” or “LayerZero”), by and through its attorneys, hereby gives notice that it will or may rely upon the following materials relevant to the issues in the above-captioned proceeding, copies of which are attached to this Notice.

1. A complete copy of the file wrapper for U.S. Trademark Application Serial No. 77/727,998 for the mark “LAYERZERO POWER SYSTEMS, INC.” downloaded from the U.S. Patent and Trademark Office’s TSDR database is attached hereto as Exhibit B. These documents relate to Petitioner’s use and/or priority of use of the marks on which the Cancellation claims are based, the similarity of the marks, the relatedness of the parties’ goods, the scope of goods and services that have been and are offered by Petitioner under the marks on which the Cancellation claims are based, Petitioner’s efforts to obtain registration of the marks on which

the Cancellation claims are based; and Petitioner's standing.

2. A complete copy of the file wrapper for U.S. Trademark Application Serial No. 85/578,591 for the mark "LAYERZERO" downloaded from the U.S. Patent and Trademark Office's TSDR database is attached hereto as Exhibit C. These documents relate to the scope of goods and services planned to be offered by Petitioner under the marks on which the Cancellation claims are based, the similarity of the marks, the relatedness of the parties' goods, Petitioner's efforts to obtain registration of the marks on which the Cancellation claims are based and Petitioner's standing.

Dated: October 10, 2013

Respectfully submitted,

s/Raymond Rundelli/

Raymond Rundelli (0030778)

[rrundelli@calfee.com](mailto:rrundelli@calfee.com)

Jennifer Wick (0074340)

[jwick@calfee.com](mailto:jwick@calfee.com)

CALFEE, HALTER & GRISWOLD LLP

The Calfee Building

1405 East Sixth Street

Cleveland, Ohio 44114-1607

(216) 622-8200

FAX (216) 241-0816

Attorneys for Petitioner LayerZero Power Systems,  
Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 10, 2013, a copy of the foregoing was served on Registrant Ortronics, Inc. below via email to:

Mark D. Giarratana  
Shawn Smith  
McCarter & English LLP  
185 Asylum Street, Cityplace 1  
Hartford, CT 06103  
[mgiarratana@mccarter.com](mailto:mgiarratana@mccarter.com)  
[shsmith@McCarter.com](mailto:shsmith@McCarter.com)

s/Raymond Rundelli/\_\_\_\_\_  
Raymond Rundelli  
rrundelli@calfee.com  
Jennifer Wick  
jwick@calfee.com  
The Calfee Building  
1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
Phone: 216-622-8200  
Fax: 216-241-0816

Attorneys for Petitioner



**EXHIBIT B**

Generated on: This page was generated by TSDR on 2013-10-01 15:17:01 EDT

Mark: LAYERZERO POWER SYSTEMS, INC.

LAYERZERO POWER SYSTEMS,  
INC

US Serial Number: 77727998

Application Filing Date: May 04, 2009

Register: Principal

Mark Type: Trademark

Status: Suspension check completed. Application remains suspended.

Status Date: May 10, 2013

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## Mark Information

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Mark Literal Elements: LAYERZERO POWER SYSTEMS, INC.

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Disclaimer: "POWER SYSTEMS, INC."

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [ ] indicate deleted goods/services.
- Double parenthesis ( ( ) ) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 26, 2001

Use in Commerce: Apr. 26, 2001

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## Basis Information (Case Level)

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Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

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## Current Owner(s) Information

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Owner Name: LayerZero Power Systems, Inc.

Owner Address: 8893 Lake in the Woods Trail  
Chagrin Falls, OHIO 44023  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where  
Organized: OHIO

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## Attorney/Correspondence Information

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### Attorney of Record

Attorney Name: Raymond Rundelli

Docket Number: 28142/04002

Attorney Primary Email Address: [ipdocket@calfee.com](mailto:ipdocket@calfee.com)

Attorney Email  
Authorized: Yes

### Correspondent

Correspondent Name/Address: Raymond Rundelli  
CALFEE, HALTER & GRISWOLD LLP  
1405 East Sixth Street  
The Calfee Building

CLEVELAND, OHIO 44114-1607  
UNITED STATES

Phone: 216-622-8200

Fax: 216-241-0816

Correspondent e-mail: [ipdocket@calfee.com](mailto:ipdocket@calfee.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
May 10, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	66121
Nov. 05, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	66121
May 03, 2012	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	66121
Jan. 06, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 03, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Nov. 03, 2011	LETTER OF SUSPENSION E-MAILED	6332
Nov. 03, 2011	SUSPENSION LETTER WRITTEN	82419
Oct. 31, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 31, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 31, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 21, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 21, 2011	NON-FINAL ACTION E-MAILED	6325
Sep. 21, 2011	NON-FINAL ACTION WRITTEN	82419
Sep. 06, 2011	LIE CHECKED SUSP - TO ATTY FOR ACTION	66121
Mar. 04, 2011	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	
Sep. 03, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	66121
Sep. 03, 2010	ASSIGNED TO LIE	66121
Mar. 03, 2010	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	76985
Mar. 03, 2010	ASSIGNED TO LIE	76985
Sep. 03, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Sep. 03, 2009	LETTER OF SUSPENSION E-MAILED	6332
Sep. 03, 2009	SUSPENSION LETTER WRITTEN	82419
Aug. 28, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 28, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 28, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 04, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2009	NON-FINAL ACTION E-MAILED	6325
Aug. 04, 2009	NON-FINAL ACTION WRITTEN	82419
Jul. 30, 2009	ASSIGNED TO EXAMINER	82419
May 08, 2009	NOTICE OF PSEUDO MARK MAILED	
May 07, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 07, 2009	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information

TM Attorney: LOVELACE, JAMES B

Law Office Assigned: LAW OFFICE 117

### File Location

Current Location: TMO LAW OFFICE 117

Date in Location: May 10, 2013

## Proceedings

### Summary

Number of Proceedings: 1

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**Type of Proceeding: Cancellation**

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Proceeding Number: 92054573

Filing Date: Sep 29, 2011

Status: Pending

Status Date: Sep 29, 2011

Interlocutory Attorney: MARY CATHERINE FAINT

**Defendant**

Name: Ortronics, Inc.

Correspondent Address: MARK D GIARRATANA  
MCCARTER & ENGLISH LLP  
185 ASYLUM STREET, CITYPLACE 1  
HARTFORD CT , 06103  
UNITED STATES

Correspondent e-mail: [mgiarratana@mccarter.com](mailto:mgiarratana@mccarter.com) , [mundelli@calfee.com](mailto:mundelli@calfee.com) , [icastrovinci@calfee.com](mailto:icastrovinci@calfee.com) , [shsmith@mccarter.com](mailto:shsmith@mccarter.com) , [jwhitney@mccarter.com](mailto:jwhitney@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LAYER ZERO	Cancellation Pending	<u>77580391</u>	<u>3998542</u>
LAYER 0	Cancellation Pending	<u>77580392</u>	<u>3998543</u>

**Plaintiff(s)**

Name: LayerZero Power Systems, Inc.

Correspondent Address: RAYMOND RUNDELLI  
CALFEE HALTER & GRISWOLD LLP  
1405 EAST SIXTH STREET, THE CALFEE BUILDING  
CLEVELAND OH , 44114-1607  
UNITED STATES

Correspondent e-mail: [mundelli@calfee.com](mailto:mundelli@calfee.com) , [icastrovinci@calfee.com](mailto:icastrovinci@calfee.com) , [ssmith@mccarter.com](mailto:ssmith@mccarter.com) , [jwhitney@mccarter.com](mailto:jwhitney@mccarter.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
LAYERZERO POWER SYSTEMS, INC.	Report Completed Suspension Check - Case Still Suspended	<u>77727998</u>	

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 29, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 29, 2011	Nov 08, 2011
3	PENDING, INSTITUTED	Sep 29, 2011	
4	ANSWER	Nov 07, 2011	
5	CHANGE OF CORRESPONDENCE ADDRESS	Jan 05, 2012	
6	STIPULATED PROTECTIVE ORDER	Mar 30, 2012	
7	STIPULATED PROTECTIVE AGREEMENT IS NOTED AND APPROVED	Apr 26, 2012	
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 01, 2012	
9	EXTENSION OF TIME GRANTED	Jun 01, 2012	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 02, 2012	
11	EXTENSION OF TIME GRANTED	Jul 02, 2012	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 01, 2012	
13	EXTENSION OF TIME GRANTED	Oct 02, 2012	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 19, 2012	
15	EXTENSION OF TIME GRANTED	Nov 20, 2012	
16	D'S MOTION FOR SUMMARY JUDGMENT	Dec 17, 2012	
17	D'S MEMORANDUM IN SUPPORT OF ITS MSJ	Dec 17, 2012	
18	D'S DECLARATION OF TONY WALKER IN SUPPORT OF ITS MSJ	Dec 17, 2012	
19	D'S DECLARATION OF SHAWN SMITH, EXHIBITS A-B	Dec 17, 2012	
20	D'S EXHIBITS P-R OF DECLARATION OF SHAWN SMITH	Jan 20, 2012	
21	D'S EXHIBITS S-T TO DECLARATION OF SHAWN SMITH	Dec 17, 2012	
22	D'S EXHIBITS U-Z TO DECLARATION OF SHAWN SMITH	Dec 17, 2012	

23	D'S EXHIBITS AA-LL TO DECLARATION OF SHAWN SMITH	Dec 17, 2012
24	D'S EXHIBITS MM-QQ TO ITS DECLARATION OF SHAWN SMITH	Dec 17, 2012
25	D'S CONFIDENTIAL BRIEF IN SUPPORT OF MSJ; CONFIDENTIAL WALKER DECLARATION	Dec 17, 2012
26	D'S EXHIBITS C-O TO DECLARATION OF SHAWN SMITH	Dec 17, 2012
27	D'S CONFIDENTIAL EXHIBITS AA-GG	Dec 18, 2012
28	D'S EXHIBIT KK TO DECLARATION OF SHAWN SMITH	Dec 18, 2012
29	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Dec 26, 2012
30	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 08, 2013
31	D'S NOTICE OF FILING CORRECTED EXHIBIT V TO SMITH DECLARATION	Jan 28, 2013
32	EXTENSION OF TIME GRANTED	Jan 29, 2013
33	Confidential Plaintiff's Opposition/Response to Motion	Jan 29, 2013
34	P'S OPPOSITION/RESPONSE TO MOTION	Jan 29, 2013
35	D'S REPLY IN SUPPORT OF MOTION	Feb 13, 2013
36	D MOT FOR SUMMARY JGT DENIED	Jul 09, 2013
37	P CHANGE OF CORRESP ADDRESS	Jul 10, 2013
38	P MOT FOR EXT W/ CONSENT	Jul 26, 2013
39	EXTENSION OF TIME GRANTED	Sep 23, 2013

## Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77727998
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 117
<b>MARK SECTION</b>	
<b>MARK</b>	LAYERZERO POWER SYSTEMS, INC.
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	RAYMOND RUNDELLI 800 SUPERIOR AVE E STE 1400 CLEVELAND Ohio 44114-2617 US 216-622-8200 216-241-0816 ipdocket@calfee.com
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NEW ADDRESS</b>	Raymond Rundelli CALFEE, HALTER & GRISWOLD LLP The Calfee Building 1405 East Sixth Street CLEVELAND Ohio United States 44114-1607 216-622-8200 216-241-0816 ipdocket@calfee.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Juliet P. Castrovinci/
<b>SIGNATORY NAME</b>	Juliet P. Castrovinci
<b>SIGNATORY DATE</b>	01/06/2012
<b>SIGNATORY POSITION</b>	Attorney of Record, Ohio and DC bar member
<b>SIGNATORY PHONE NUMBER</b>	216-622-8200

<b>AUTHORIZED SIGNATORY</b>	<b>YES</b>
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	<b>Fri Jan 06 15:31:49 EST 2012</b>
<b>TEAS STAMP</b>	USPTO/CCA-207.54.134.4-20 120106153149311341-777279 98-490bae852ebdd765e94c8a 31f6506989bc-N/A-N/A-2012 0106151611550839

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO POWER SYSTEMS, INC. - 28142/04002  
**Sent:** 11/3/2011 3:42:21 PM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 77727998

**MARK:** LAYERZERO POWER SYSTEMS, INC.

**\*77727998\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
800 SUPERIOR AVE E STE 1400  
CLEVELAND, OH 44114-2617

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04002

**CORRESPONDENT E-MAIL ADDRESS:**

[ipdocket@calfee.com](mailto:ipdocket@calfee.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 11/3/2011

The trademark examining attorney is suspending action on the application for the reason(s) stated below.  
*See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the



“Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant’s mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant’s mark under Section 2(d) if it registers, and/or (3) the registrability of applicant’s mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant’s mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92054573

/Blake Lovelace/  
James B. Lovelace  
Trademark Examining Attorney  
Law Office 117  
P: 571.270.1533  
F: 571.270.2533  
[james.lovelace@uspto.gov](mailto:james.lovelace@uspto.gov)

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO  
POWER SYSTEMS, INC. - 28142/04002  
**Sent:** 11/3/2011 3:42:24 PM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 11/3/2011 FOR  
SERIAL NO. 77727998**

Please follow the instructions below:

**TO READ OFFICE LETTER:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office letter

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**HELP:** For *technical* assistance in accessing the Office correspondence, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office letter.

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	77727998	FILING DATE	05/04/2009
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LOVELACE, JAMES B	L.O. ASSIGNED	M80-NOT FOUND

**PUB INFORMATION**

RUN DATE	11/01/2011
PUB DATE	N/A
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED
STATUS DATE	10/31/2011
LITERAL MARK ELEMENT	LAYERZERO POWER SYSTEMS, INC.

DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	LAYERZERO POWER SYSTEMS, INC.

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	LayerZero Power Systems, Inc.
ADDRESS	8893 Lake in the Woods Trail Chagrin Falls, OH 44023
ENTITY	03-CORPORATION
CITIZENSHIP	Ohio

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	04/26/2001	FIRST USE IN COMMERCE DATE	04/26/2001	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"POWER SYSTEMS, INC."
PSEUDO MARK	LAYER ZERO POWER SYSTEMS, INC.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
10/31/2011	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	025
10/31/2011	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	024
10/31/2011	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	023
09/21/2011	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	022
09/21/2011	GNRT	O	NON-FINAL ACTION E-MAILED	021
09/21/2011	CNRT	R	NON-FINAL ACTION WRITTEN	020
09/06/2011	RCCK	S	LIE CHECKED SUSP - TO ATTY FOR ACTION	019

03/04/2011	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	018
09/03/2010	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	017
09/03/2010	ALIE	A	ASSIGNED TO LIE	016
03/03/2010	RCSC	S	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	015
03/03/2010	ALIE	A	ASSIGNED TO LIE	014
09/03/2009	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	013
09/03/2009	GNSL	S	LETTER OF SUSPENSION E-MAILED	012
09/03/2009	CNSL	R	SUSPENSION LETTER WRITTEN	011
08/28/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
08/28/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
08/28/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
08/04/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
08/04/2009	GNRT	F	NON-FINAL ACTION E-MAILED	006
08/04/2009	CNRT	R	NON-FINAL ACTION WRITTEN	005
07/30/2009	DOCK	D	ASSIGNED TO EXAMINER	004
05/08/2009	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
05/07/2009	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/07/2009	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Raymond Rundelli
CORRESPONDENCE ADDRESS	RAYMOND RUNDELLI CALFEE, HALTER & GRISWOLD LLP 800 SUPERIOR AVE E STE 1400 CLEVELAND, OH 44114-2617
DOMESTIC REPRESENTATIVE	NONE

LAYERZERO POWER SYSTEMS,  
INC.

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77727998
LAW OFFICE ASSIGNED	LAW OFFICE 117
MARK SECTION (no change)	
ARGUMENT(S)	
On September 21, 2011, the examining attorney issued an office action for Serial No. 77727998 based on a likelihood of confusion with Registration Nos. 3998543 for LAYER 0 and 3998542 for LAYER ZERO owned by Ortronics, Inc. Please note that Applicant filed a Petition for Cancellation of the above-mentioned registrations on September 29, 2011 (Cancellation No. 92054573). Therefore, Applicant respectfully requests that the examining attorney suspend its application pending the disposition of the cancellation proceeding.	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Juliet P. Castrovinci/
SIGNATORY'S NAME	Juliet P. Castrovinci
SIGNATORY'S POSITION	Attorney of Record, Ohio and DC bar member
DATE SIGNED	10/31/2011
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Oct 31 15:30:12 EDT 2011
TEAS STAMP	USPTO/ROA-208.11.92.3-201 11031153012175945-7772799 8-48068d225fdb7a115a63d5f 304f17113f70-N/A-N/A-2011 1031152856563959

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. 77727998 has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

On September 21, 2011, the examining attorney issued an office action for Serial No. 77727998 based on a likelihood of confusion with Registration Nos. 3998543 for LAYER 0 and 3998542 for LAYER ZERO owned by Ortronics, Inc. Please note that Applicant filed a Petition for Cancellation of the above-mentioned registrations on September 29, 2011 (Cancellation No. 92054573). Therefore, Applicant respectfully requests that the examining attorney suspend its application pending the disposition of the cancellation proceeding.

**SIGNATURE(S)**

**Response Signature**

Signature: /Juliet P. Castrovinci/ Date: 10/31/2011

Signatory's Name: Juliet P. Castrovinci

Signatory's Position: Attorney of Record, Ohio and DC bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77727998

Internet Transmission Date: Mon Oct 31 15:30:12 EDT 2011

TEAS Stamp: USPTO/ROA-208.11.92.3-201110311530121759

45-77727998-48068d225fdb7a115a63d5f304f1

7113f70-N/A-N/A-20111031152856563959



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**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))

**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO POWER SYSTEMS, INC. - 28142/04002

**Sent:** 9/21/2011 2:18:43 PM

**Sent As:** ECOM117@USPTO.GOV

**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
[Attachment - 5](#)  
[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**  
**OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 77727998

**MARK:** LAYERZERO POWER SYSTEMS, INC.

**\*77727998\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
800 SUPERIOR AVE E STE 1400  
CLEVELAND, OH 44114-2617

**CLICK HERE TO RESPOND TO THIS LETTER:**

[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04002

**CORRESPONDENT E-MAIL ADDRESS:**

ipdocket@calfee.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** 9/21/2011

On September 3, 2009, action on this application was suspended pending the disposition of Application Serial Nos. 77580392 and 77580391. The referenced prior-pending applications have since registered. Therefore, registration is refused as follows.

**SECTION 2(d) REFUSAL – LIKELIHOOD OF CONFUSION**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S. Registration Nos. 3998543 and 3998542. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, \_\_\_ F.3d \_\_\_, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); see *In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Applicant's mark is "LAYERZERO POWER SYSTEMS, INC." for "electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels". Registrant's marks are Reg. No. 3998543 "LAYER 0" and Reg. No. 3998542 "LAYER ZERO" both for "equipment for voice and data communications systems, namely, cable management racks and cabinets for copper and fiber optic data cables for structured cabling systems".

Applying the above analysis, the marks are substantially similar. The recognizable and dominant portion of applicant's mark is the word "LAYERZERO" which is virtually identical to the recognizable and dominant portion of the registered marks. In the instant case, it is appropriate to give more weight to the "LAYERZERO" portion of applicant's mark because of the descriptive nature of the wording "POWER SYSTEMS, INC." when used in connection with a company making power distribution devices. In addition the substitution of the numeral "0" for the word "ZERO" in Reg. No. 3998543 does not significantly change the overall similarities between the marks.

Moreover, whether unitary or two separate words, the commercial impression is the same, namely, "LAYER ZERO". See, e.g., *In re L.C. Licensing Inc.*, 49 USPQ2d 1379, 1381 (TTAB 1998); *Harvey Hubbell, Inc. v. Red Rope Industries, Inc.*, 191 USPQ 119 (TTAB 1976) ("the marks "DATALOK" and "DATA . LOK", although used by the parties in different graphic presentations, create the same general commercial impression and are, for all purposes herein, legally identical").

As such, viewed as a whole, applicant's mark is substantially similar in sound, appearance, connotation and commercial impression to the registered marks.

As to the second half of the test, the goods are closely related because power distribution units, panels and switches are commonly sold in connection with cabling racks and systems. See the attached website evidence from <http://www.commnetsystems.com>, <http://www.provantage.com> and <http://www.belkin.com> indicating that power distribution units and various types of cabling systems and racks commonly emanate from a single source and travel in the same channels of trade.

If the goods and/or services of the respective parties are "similar in kind and/or closely related," the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as would be required with diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); see *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely, power distribution units, electrical switches, cables and racks for electronic devices, are of a kind that may emanate from a single source under a single mark. See *In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB

1988); TMEP §1207.01(d)(iii).

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

Thus since the marks are substantially similar and the goods are closely related, there is a likelihood of confusion and registration must be refused.

The overriding concern is not only to prevent buyer confusion as to the source of the goods and/or services, but to protect the registrant from adverse commercial impact due to use of a similar mark by a newcomer. *See In re Shell Oil Co.*, 992 F.2d 1204, 1208, 26 USPQ2d 1687, 1690 (Fed. Cir. 1993). Therefore, any doubt regarding a likelihood of confusion determination is resolved in favor of the registrant. TMEP §1207.01(d)(i); *see Hewlett-Packard Co. v. Packard Press, Inc.*, 281 F.3d 1261, 1265, 62 USPQ2d 1001, 1003 (Fed. Cir. 2002); *In re Hyper Shoppes (Ohio), Inc.*, 837 F.2d 463, 464-65, 6 USPQ2d 1025, 1025 (Fed. Cir. 1988).

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

## RESPONSE TEAS

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/teas/index.html>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at <http://www.uspto.gov/teas/eFilingTips.htm> and email technical questions to [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Blake Lovelace/  
James B. Lovelace  
Trademark Examining Attorney

Law Office 117  
P: 571.270.1533  
F: 571.270.2533  
james.lovelace@uspto.gov

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

**DESIGN MARK**

**Serial Number**  
77580392

**Status**  
REGISTERED

**Word Mark**  
LAYER 0

**Standard Character Mark**  
Yes

**Registration Number**  
3998543

**Date Registered**  
2011/07/19

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Ortronics, Inc. CORPORATION CONNECTICUT 125 Eugene O'Neill Drive New  
London CONNECTICUT 06320

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
equipment for voice and data communications systems, namely, cable  
management racks and cabinets for copper and fiber optic data cables  
for structured cabling systems. First Use: 2009/11/05. First Use In  
Commerce: 2009/11/05.

**Filing Date**  
2008/09/26

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Mark D. Giarratana, Esq.

LAYER 0

**DESIGN MARK**

**Serial Number**  
76068407

**Status**  
SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**  
ASTECC

**Standard Character Mark**  
No

**Registration Number**  
2742824

**Date Registered**  
2003/07/29

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(1) TYPED DRAWING

**Owner**  
Astec International Limited CORPORATION HONG KONG 16th Floor Lu Plaza  
2 Wing Yip Street Kwun Tong Kowloon HONG KONG

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
AC/DC rectifiers, fan trays, [ circuit breaker panels,] power  
conversion networks and devices, namely, platforms, rectifiers, switch  
mode rectifiers, converters, inverters, [ transformers,] power  
supplies, point of use power supplies, integrated point of use power  
supplies, adapters, power switchers, breakers, breaker interface  
panels, power distribution elements, [ shelves,] chargers, [  
generators,] ringing generators, [ fan management units, ] rack  
converters and monitors used to sense power surges and failures, power  
anomalies, power distribution performance and power control parameters  
and information and reporting of same by means of alarm or reports,  
power systems for telephone equipment, DC/DC devices, namely,  
board-mount modules, and converters, [ and inverters, encoders,  
electrical and electronic tuners,] switching power supplies, [  
inverters, microprocessor inverters and RF interface units; cables and  
connectors, panel meters, potentiometers, and toroids; electronic  
displays,] satellite television equipment, namely, adapters for



powering set-top boxes [; semiconductors; inductors; capacitors; resistors; power supplies, modulators; monitors which determine the severity of an alarm and remotely request the appropriate level of intervention by maintenance and other personnel and for scheduling maintenance activities; and ballasts ]. First Use: 1974/08/22. First Use In Commerce: 1974/08/22.

**Filing Date**

2000/06/13

**Examining Attorney**

BUTLER, MIDGE

**Attorney of Record**

Michael P. Brennan, Lisa M. DuRoss

ASTEC

**DESIGN MARK**

**Serial Number**  
76665242

**Status**  
REGISTERED

**Word Mark**  
ABITRONIX

**Standard Character Mark**  
Yes

**Registration Number**  
3529557

**Date Registered**  
2008/11/11

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Abitronix LLC LIMITED LIABILITY COMPANY NEW JERSEY 27 Ironia Road  
Flanders NEW JERSEY 07836

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Residential structured wiring equipment, namely, multi-media  
connection cables, network enclosures, namely, wide area and local  
network modules, RF modulators, television modulator modules, AC/DC  
power modules, power port modules, namely, electrical power  
distribution units, audio signal splitter modules, television combined  
audio/video signal splitter modules, data hub and telephone hub  
modules, namely, electrical connectors capable of carrying voice and  
data signals; cable television equipment, namely, A-B switches,  
adapters, amplifiers, attenuators, cable television amplifiers, cable  
television home amplifiers, coaxial cable, coaxial cable connectors,  
directional acoustic couplers, diplexers incorporating filters,  
grounding blocks for electric power, home RF modulators, racks for  
amplifiers, voltage surge suppressors, modems, and racks for  
computers; telecommunication equipment, namely, coaxial cables, coiled  
handset cords for telephones, face plates in the nature of electric  
switch plates, telephone connectors in the nature of jacks, modular

plug-wire connectors, telephone connectors in the nature of modular surface jacks, patch cords in the nature of electric cords, patch panels in the nature of electric control panels, racks for amplifiers, wall plates in the nature of electric switch plates, wiring blocks, two post open frame racks for computer hardware, computer server cabinets and telephone connectors in the nature of modular surface jacks; data processing equipment, namely, coaxial cable, telephone connectors in the nature of jacks, wall plates in the nature of electric switch plates, modular plug-wire connectors, patch cords in the nature of electric cords, patch panels in the nature of electric control panels, racks for amplifiers, wall plates in the nature of electric switch plates, two post open frame racks for computer hardware; satellite video-audio connection cables, high definition multimedia interface digital connection cables, television signal combiner/splitter modules; fiber optic equipment, namely, fiber optic cables, plug connectors, fiber optic patch cords, media converters, digital signal level meters, signal mode connectors, multi-mode signal connectors and PC signal mode connectors; closed circuit television video surveillance equipment, namely, camera housings, cameras, electronic chip cards, digital video recorder electronic chip cards for computers, housing mounts for cameras and monitors, integrated systems and information services personal computer-based digital video recorders, optical lenses, multiplexers, pan-tilt-zoom cameras for surveillance and stand alone digital video recorders; consumer electronics, namely, DVD players, computer monitors, RF modulators, voltage surge protectors, coaxial voltage surge suppressors, coaxial voltage ground insulators, audio/video modulators, UHF triple audio/video signal modulators, audio/video matrix switches and progressive scan channel DVD players. First Use: 1998/01/02. First Use In Commerce: 1998/01/02.

**Filing Date**

2006/08/29

**Examining Attorney**

LOWRY, LEIGH

**Attorney of Record**

CHARLES E. BAXLEY

# ABITRONIX

**DESIGN MARK**

**Serial Number**  
77533398

**Status**  
REGISTERED

**Word Mark**  
WDU

**Standard Character Mark**  
Yes

**Registration Number**  
3778887

**Date Registered**  
2010/04/20

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Weidmuller Interface GmbH & Co. KG CORPORATION FED REP GERMANY  
Klingenbergrasse 16 Detmold FED REP GERMANY 32758

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electrical terminals for electric wires and electric cables;  
electrical connectors; electrical housings for switches and circuit  
breakers; electrically insulated electric relay, electric switch and  
electrical terminal housings made of synthetic plastic material;  
modular electrical power distribution terminal blocks; electrical  
terminal strips, namely, terminal strips for wire contacts; plug-in  
electrical connectors; clip-on electronic integrated circuit modules;  
mounting racks for circuit breakers and switches; protective  
electrical distribution boxes and control panels; electrical test  
plugs; electrical connectors, namely, cross-conductor connectors.  
First Use: 1985/01/01. First Use In Commerce: 1985/01/01.

**Filing Date**  
2008/07/29

**Examining Attorney**

**Print: Sep 21, 2011**

**77533398**

VAGHANI, MAYUR

**Attorney of Record**

Lawrence E. Laubscher, Sr.

WDU



**DESIGN MARK**

**Serial Number**  
78743339

**Status**  
REGISTERED

**Word Mark**  
MILITARY POWER

**Standard Character Mark**  
Yes

**Registration Number**  
3153783

**Date Registered**  
2006/10/10

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Madden, Paul Daniel INDIVIDUAL UNITED STATES 219 Park Avenue East  
Mansfield OHIO 449021845

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Apparatus for converting electronic radiation to electrical energy,  
namely photovoltaic solar modules; Automatic electrical distribution  
apparatus; Batteries; Batteries for vehicles; Battery cables; Battery  
cases; Battery charge devices; Battery chargers; Cables for electrical  
or optical signal transmission; Circuit breakers; Connecting  
electrical cables; Connection cables; Converters; Converters for  
electric plugs; Distribution transformers; Electric converters;  
Electric distribution consoles; Electric fuse boxes; Electric storage  
batteries; Electrical cables; Electrical cells and batteries;  
Electrical distribution boxes; Electrical fuses; Electrical power  
distribution blocks; Electrical storage batteries; Frequency  
converters; Fuse clips and panel-mounted fuse holders for use with  
electronic glass and ceramic fuses; Fuses; High-frequency switching  
power supplies; Inverters; Jumper cables; Mounting racks for computer  
hardware; Mounting racks for telecommunications hardware; Power  
cables; Power controllers; Power distributing boxes; Power line

**Print: Sep 21, 2011**

**78743339**

conditioners; Power supplies; Power switches; Rechargeable electric batteries; Threaded cable connectors of metal; Voltage regulators for electric power. First Use: 2001/01/15. First Use In Commerce: 2001/01/15.

**Filing Date**

2005/10/31

**Examining Attorney**

PINO, BRIAN

# Military Power

**DESIGN MARK**

**Serial Number**  
85178646

**Status**  
REGISTERED

**Word Mark**  
TRIPP·LITE

**Standard Character Mark**  
No

**Registration Number**  
3993102

**Date Registered**  
2011/07/12

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
Tripp Manufacturing Company CORPORATION ILLINOIS 1111 W. 35th Street  
Chicago ILLINOIS 60609

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electrical power distribution assemblies for multiple outlets; KVM  
switches; auxiliary power supplies for supplying electrical power;  
power line filters; uninterruptible electrical power supplies; voltage  
surge suppressors; electronic products, namely, power inverters;  
battery chargers; battery cases; battery cartridges for  
uninterruptible power supplies; electrical isolation transformers; USB  
hubs; USB hardware; rack enclosures for computer equipment; rack  
enclosures for electronic equipment; cables, namely, audio cables,  
audio/video cables, computer cables, computer networking cables, power  
cables, USB cables and video cables; signal splitters for electronic  
apparatus; switches for electronic apparatus; cooling devices, namely,  
a heat exchanger, pump and fan that circulates cooled air for  
electronic equipment; fans for cooling computer hardware contained in  
rack enclosures; notebook computer cooling pads; network management  
products, namely, SNMP (simple network management protocol) cards;  
computer hardware for remote monitoring and control of environmental

conditions, such as temperature and humidity in network environments; computer hardware for controlling and monitoring UPS (uninterruptible power supply) systems; computer software for controlling and monitoring UPS (uninterruptible power supply) systems and computer network systems; computer peripherals; remote controls for presentation devices; computer carrying cases and bags; webcams; audio speakers. First Use: 1997/04/00. The mark was first used anywhere in a different form other than that sought to be registered at least as early as 02/00/1961.. First Use In Commerce: 1997/04/00.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: providing on-site start up, repair and maintenance services for power supply products. First Use: 1997/04/00. First Use In Commerce: 1997/04/00.

**Prior Registration(s)**

1758013;1758014;2804960;AND OTHERS

**Description of Mark**

The mark consists of the term "TRIPP-LITE" inside two horizontal lines with solid circle sections above and below the horizontal lines on the left side and an outline of circle sections above and below the horizontal lines on the right side.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2010/11/17

**Examining Attorney**

SEVERSON, KAREN

**Attorney of Record**

Larry L. Saret



http://webcache.googleusercontent.com/search?q=cache:7kVu4Tl7cABJ:www.commnetsystems.com/products/family/powerstrip/+%22power+distribution+unit%22+%22cabling+systems%22&cd=5&hl=en&ct=clnk&gl=us  
09/21/2011 11:54:41 AM

This is Google's cache of <http://www.commnetsystems.com/products/family/powerstrip/>. It is a snapshot of the page as it appeared on Sep 4, 2011 12:10:39 GMT. The current page could have changed in the meantime. [Learn more](#)

These search terms are highlighted: **power distribution unit cabling systems**

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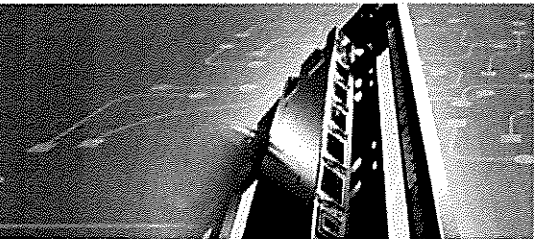
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## Zero RU Vertical PDU DC Power Distribution System

The innovative and unique vertical power strip configuration provides high current and high density DC power distribution to high power load network racks and cabinets. The ZRU is an integrated vertical PDU solution that does not require mounting in valuable network rack front panel RU space and instead is designed for vertical rear rack/cabinet mounting.



### PRODUCTS BY CATEGORY:

- [Rack Mount Power Distribution](#)
- [Power Sources](#)
- [Battery Systems](#)
- [Site Monitoring Systems](#)

### Vertical DC Distribution

Industry First – Integrated vertical DC PDU with high current distribution.

The CSI Zero Rack Unit DC PDU (**power distribution unit**) system family consists of an innovative and unique vertical power strip configuration to provide high current and high density DC power distribution to high power load network racks and cabinets. The Zero RU is an integrated vertical PDU solution that does

### Product Tags:

Zero RU Power Distribution, PDU

### Related Literature

[Datasheet > Zero RU Vertical PDU DC Power Distribution](#)

Power Distribution Systems

Racks and Power Cabinets

AC Systems

Power Accessories

BDFBs - High Power Distribution

PRODUCTS BY FAMILY:

PDU

BDFB

Cobalt ESS Energy Storage

DCX

GJX

GMT

HDOC

HDX

KTK

Matrix Panel

Vertical DC Distribution

racks and cabinets. The Zero RU is an integrated vertical PDU solution that does not require mounting in valuable network rack front panel RU space and instead is designed for vertical rear rack/cabinet mounting.

Internal Copper Bussing

Safe, high current DC power **cabling systems** - "Plug and Play".

Segmentation of power distribution system - reduced "TTTC" (Time to turn-on).

Integrated and advanced power monitoring

Configurable, flexible, scalable and redundant.

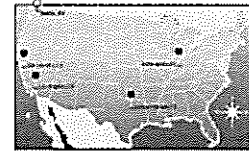
High power Density Distribution

CSI National footprint Matrix PDU supply and support

System

LOCAL SOLUTIONS

Comm/net Systems is Local



CSI has regional branch offices in the US and Canada to provide local integration and service support:

Seattle

San Leandro (SFO Bay area)

Los Angeles

Indianapolis

Dallas-Ft. Worth

Vancouver, B.C. Canada



http://webcache.googleusercontent.com/search?q=cache:NlvaZ87DF6gJ:www.provantage.com/tripp-lite-various-racks-cabling-220201323.htm+%22power+distribution+unit%22+%22cabling%22+%22racks%22&cd=3&hl=en&ct=clnk&gl=us  
09/21/2011 12:01:24 PM

This is Google's cache of <http://www.provantage.com/tripp-lite-various-racks-cabling-220201323.htm>. It is a snapshot of the page as it appeared on Sep 10, 2011 19:22:06 GMT. The current page could have changed in the meantime. [Learn more](#)

These search terms are highlighted: power distribution unit cabling racks

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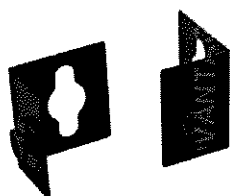
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[Tripp Lite Various Racks and Cabling Group](#)

Computing  
Racks  
Various Racks and Cabling



**Tripp Lite  
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Document# 201323

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Go to the Tripp Lite Web Site

http://www.tripp-lite.com



## 1 Product Variant in this Product Group

In Stock Ready Backordered



### Custom Mounting Brackets for Dell PDU to Attach to Tripp Lite Racks

Mounting Bracket - Compatibility: Dell Power Distribution Unit - Product Model: PDUDELLBRKT - Device Support: Power Distribution Unit - Additional Information: Custom Mounting Bracket for Dell PDU to Attach to Tripp Lite Racks ...[More](#)

PDUDELLBRKT

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Now Only

\$326.87

Tripp Lite PDUH15NET Switched  
PDU 120V 15A 5-15P 1U RM 5-15R  
12H 16-Outputs

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Relevant/Volited Products

None

Prices and information are updated daily on our website Monday - Friday (holidays excluded) and are current to the best of our knowledge when posted. However, because of the dynamic nature of the computer industry, some products, prices, manufacturer promotions, product information, photos, or offers may change before we are able to update and post the information on our web site. In the event of an unexpected cost increase or other change, we will contact you to determine whether you want to continue your order at the new price or cancel it. Customer reviews are managed by a third party. We reserve the right to decline acceptance of any orders.



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Tripp Lite Various Racks and Cabling Group

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These search terms are highlighted: **power distribution unit cabling racks**

# BELKIN

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United States ▾

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Laptop + Netbook

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## Cables

Power

KVM

## Cables > Structured Cabling > Racks and Enclosures

Search Cables:

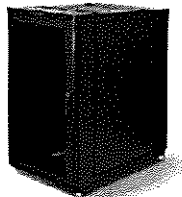


### Cable Wizard

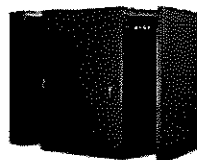
Select the connector ends to find your cable

## Belkin Integration Series Enclosures

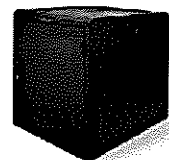
Belkin Integration Series Enclosures help prolong the life of mission-critical network hardware, prevent unauthorized access, and provide superior physical security for valuable network equipment. Our Enclosures are ideal for building the foundation of a new network or integrating seamlessly within your existing infrastructure.



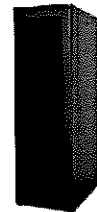
24U Premium Enclosure  
\$1349.90



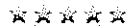
12U Wall-Mount Enclosure  
\$624.99



Mini Enclosure  
\$1049.00



42U Premium Enclosure  
\$1689.90



Tell us what you think

## 2 and 4 Post Racks

Belkin 2-Post **Racks** provide a stable, economical, and durable solution for securing patch panels, switches, **cabling**, and other rack-mountable networking equipment.



2-Post Rack 24U  
\$238.99



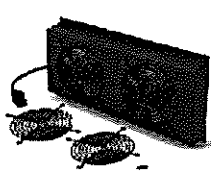
2-Post Rack 42U  
\$170.99



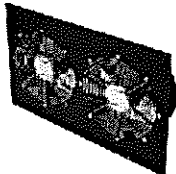
Enterprise 4-Post Rack 42U  
\$564.99

Thermal Management Accessories

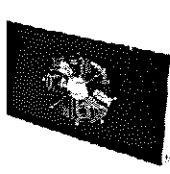
Protect your network equipment from overheating with Belkin thermal management solutions, including enclosure top options and blowers.



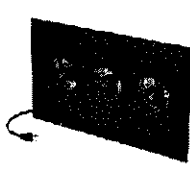
Fan Unit for Wall-Mount Enclosure  
\$249.99



Enclosure Top-Panel Double 10" Fan  
\$369.99



Enclosure Top-Panel Single 10" Fan  
\$229.99



Enclosure Top-Panel 3-Muffin Fan  
\$339.99

Enclosure  
\$249.99

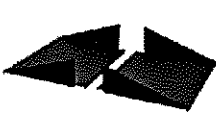
Double 10" Fan  
\$369.99

10" Fan  
\$229.99

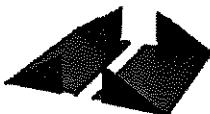
Muffin Fan  
\$339.99

Shelves

Expand your network with a complete line of shelving accessories



Double-Sided 2-Post Shelves - 30" Depth  
\$169.99



Double-Sided 2-Post Shelves - 18" Depth  
\$124.99



Heavy-Duty Fixed Shelf  
\$172.50



Sliding Shelf 32" Depth  
\$329.99



Sliding Shelf 26" Depth



Fixed Front Mount Shelf



Fixed Vented Shelf

Sliding Shelf 26" Depth  
\$269.99

Fixed Front Mount Shelf  
\$104.99

Fixed Vented Shelf  
\$114.99

### Cable Management

Belkin provides an end-to-end solution to help you maximize network performance while organizing and protecting cables. Our cable management accessories ensure better cable organization, protection, and performance.



Low-Density Cable Manager  
\$53.99



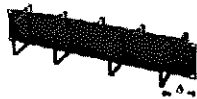
Single-Sided Cable Manager  
\$64.99



Horizontal Cable Manager  
\$54.99



Double-Sided 7" Vertical  
Cable Manager  
\$259.99



Double-Sided 2U Horizontal  
Cable Manager  
\$104.99



Double-Sided Horizontal  
Cable Manager  
\$52.99

Enclosure Accessories  
\$104.99

\$62.99

### Enclosure Accessories

Secure your enclosure and help protect your valuable network equipment.



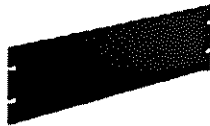
Belkin Rackmount **Power**  
**Distribution Unit** with Twist  
Lock Plug

Belkin Rackmount **Power**  
**Distribution Unit**  
\$244.99

Enclosure Casters (Set of 4)  
\$149.99

#### Installation Hardware

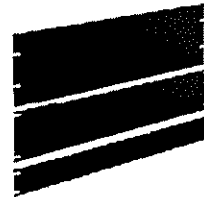
Hardware for installing and securing your equipment within Belkin **Racks** and Enclosures.



3U Filler Panel (Set of 2)  
\$79.99



2U Filler Panel (Set of 2)  
\$59.99



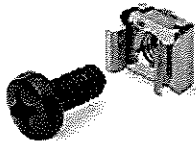
Filler Panel Kit  
\$163.99



1U Filler Panel (Set of 2)  
\$39.99



12/24 Screws - 50  
\$19.99



M6 Cage Nuts and Screws  
\$74.99

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**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO  
POWER SYSTEMS, INC. - 28142/04002  
**Sent:** 9/21/2011 2:18:45 PM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 9/21/2011 FOR  
SERIAL NO. 77727998**

Please follow the instructions below to continue the prosecution of your application:

**TO READ OFFICE ACTION:** Click on this [link](http://portal.uspto.gov/external/portal/tow) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable response time period. Your response deadline will be calculated from 9/21/2011 (or sooner if specified in the office action).

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

**Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.**

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO  
POWER SYST - 28142/04002  
**Sent:** 9/3/2009 12:46:01 PM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/727998

**MARK:** LAYERZERO POWER SYST

**\*77727998\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
800 SUPERIOR AVE E STE 1400  
CLEVELAND, OH 44114-2617

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04002

**CORRESPONDENT E-MAIL ADDRESS:**

[ipdocket@calfee.com](mailto:ipdocket@calfee.com)

**NOTICE OF SUSPENSION**

**ISSUE/MAILING DATE:** 9/3/2009

**SUSPENSION PROCEDURE:** This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found at <http://teasroa.uspto.gov/rsi/rsi>. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). 77580392 and 77580391



Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) was sent previously.

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

Please note that applicant's amended identification of goods and disclaimer statement have been accepted and made of record.

/Blake Lovelace/  
James B. Lovelace  
Trademark Examining Attorney  
Law Office 117  
P: 571.270.1533  
F: 571.270.2533

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO  
POWER SYST - 28142/04002  
**Sent:** 9/3/2009 12:46:07 PM  
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**Attachments:**

## **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

**Your trademark application (Serial No. 77727998) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office (“USPTO”) has written a letter (an “Office action”) on 9/3/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:**

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77727998&doc_type=SUL&n)  
[http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial\\_number=77727998&doc\\_type=SUL&n](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77727998&doc_type=SUL&n)  
**OR** go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter. If you have difficulty accessing the Office letter, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 9/3/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

### **ALERT:**

**Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.**

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(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	77727998	FILING DATE	05/04/2009
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	LOVELACE, JAMES B	L.O. ASSIGNED	M80-NOT FOUND

**PUB INFORMATION**

RUN DATE	08/29/2009		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	08/28/2009		
LITERAL MARK ELEMENT	LAYERZERO POWER SYSTEMS, INC.		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	LAYERZERO POWER SYSTEMS, INC.

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	LayerZero Power Systems, Inc.
ADDRESS	8893 Lake in the Woods Trail Chagrin Falls, OH 44023
ENTITY	03-CORPORATION
CITIZENSHIP	Ohio

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	04/26/2001	FIRST USE IN COMMERCE DATE	04/26/2001	CLASS STATUS	6-ACTIVE
---------------------	-----	----------------	------------	----------------------------	------------	--------------	----------

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"POWER SYSTEMS, INC."
PSEUDO MARK	LAYER ZERO POWER SYSTEMS, INC.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/28/2009	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
08/28/2009	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
08/28/2009	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
08/04/2009	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
08/04/2009	GNRT	F	NON-FINAL ACTION E-MAILED	006
08/04/2009	CNRT	R	NON-FINAL ACTION WRITTEN	005
07/30/2009	DOCK	D	ASSIGNED TO EXAMINER	004

05/08/2009	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
05/07/2009	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
05/07/2009	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Raymond Rundelli
CORRESPONDENCE ADDRESS	RAYMOND RUNDELLI CALFEE, HALTER & GRISWOLD LLP 800 SUPERIOR AVE E STE 1400 CLEVELAND, OH 44114-2617
DOMESTIC REPRESENTATIVE	NONE

LAYERZERO POWER SYSTEMS,  
INC.

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77727998
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 117
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>DESCRIPTION</b>	
Static transfer switches, power distribution units, integrated static transfer switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/26/2001
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/26/2001
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>TRACKED TEXT DESCRIPTION</b>	
Static transfer switches, power distribution units, integrated static transfer switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems; <u>electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels</u>	
<b>FINAL DESCRIPTION</b>	
electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/26/2001
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/26/2001

**ADDITIONAL STATEMENTS SECTION**

<b>DISCLAIMER</b>	No claim is made to the exclusive right to use POWER SYSTEMS, INC. apart from the mark as shown.
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Juliet P. Castrovinci/
<b>SIGNATORY'S NAME</b>	Juliet P. Castrovinci
<b>SIGNATORY'S POSITION</b>	Attorney of Record, Ohio and DC bar member
<b>DATE SIGNED</b>	08/28/2009
<b>AUTHORIZED SIGNATORY</b>	YES
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Fri Aug 28 14:13:38 EDT 2009
<b>TEAS STAMP</b>	USPTO/ROA-208.11.92.3-200 90828141338001467-7772799 8-4302dac7c2ee0ce3f1a4c86 b8ccc54af3d7-N/A-N/A-2009 0828140706602335

PTO Form 1457 (Rev 9/2005)  
CSM No. 0034-0950 (Ex) 04/30/2011

**Response to Office Action  
To the Commissioner for Trademarks:**

Application serial no. 77727998 has been amended as follows:

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 009 for Static transfer switches, power distribution units, integrated static transfer switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems

**Original Filing Basis:**

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/26/2001 and first used in commerce at least as early as 04/26/2001, and is now in use in such commerce.

**Proposed:**

**Tracked Text Description:** Static transfer switches, power distribution units, integrated static transfer



~~switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems;~~ electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels

Class 009 for electrical static transfer switches, electrical power distribution units, electrical integrated static transfer switch-power distribution unit systems, electrical remote power panels, and electrical remote distribution panels

**Filing Basis: Section 1(a), Use in Commerce:** The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 04/26/2001 and first used in commerce at least as early as 04/26/2001, and is now in use in such commerce.

**ADDITIONAL STATEMENTS**

**Disclaimer**

No claim is made to the exclusive right to use POWER SYSTEMS, INC. apart from the mark as shown.

**SIGNATURE(S)**

**Response Signature**

Signature: /Juliet P. Castrovinci/ Date: 08/28/2009

Signatory's Name: Juliet P. Castrovinci

Signatory's Position: Attorney of Record, Ohio and DC bar member

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 77727998

Internet Transmission Date: Fri Aug 28 14:13:38 EDT 2009

TEAS Stamp: USPTO/ROA-208.11.92.3-200908281413380014

67-77727998-4302dac7c2ee0ce3f1a4c86b8ccc

54af3d7-N/A-N/A-20090828140706602335

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO POWER SYST - 28142/04002  
**Sent:** 8/4/2009 9:07:27 AM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:** [Attachment - 1](#)  
[Attachment - 2](#)  
[Attachment - 3](#)  
[Attachment - 4](#)  
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[Attachment - 6](#)  
[Attachment - 7](#)  
[Attachment - 8](#)  
[Attachment - 9](#)

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 77/727998

**MARK:** LAYERZERO POWER SYST

**\*77727998\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
800 SUPERIOR AVE E STE 1400  
CLEVELAND, OH 44114-2617

**RESPOND TO THIS ACTION:**

<http://www.uspto.gov/teas/eTEASpageD.htm>

**GENERAL TRADEMARK INFORMATION:**

<http://www.uspto.gov/main/trademarks.htm>

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04002

**CORRESPONDENT E-MAIL ADDRESS:**

[ipdocket@calfee.com](mailto:ipdocket@calfee.com)

**OFFICE ACTION**

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

**ISSUE/MAILING DATE:** 8/4/2009

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

### **PRIOR PENDING APPLICATIONS**

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no similar registered mark that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d). However, a mark in a prior-filed pending application may present a bar to registration of applicant's mark.

The filing date of pending Application Serial Nos. 77580392 and 77580391 precedes applicant's filing date. See attached referenced applications. If one or more of the marks in the referenced applications register, applicant's mark may be refused registration under Trademark Act Section 2(d) because of a likelihood of confusion with the registered mark(s). *See* 15 U.S.C. §1052(d); 37 C.F.R. §2.83; TMEP §§1208 *et seq.* Therefore, upon receipt of applicant's response to this Office action, action on this application may be suspended pending final disposition of the earlier-filed referenced application.

In response to this Office action, applicant may present arguments in support of registration by addressing the issue of the potential conflict between applicant's mark and the marks in the referenced applications. Applicant's election not to submit arguments at this time in no way limits applicant's right to address this issue later if a refusal under Section 2(d) issues.

### **IDENTIFICATION OF GOODS**

The identification of goods needs clarification because it is overly broad and indefinite. Applicant must further clarify a number of the goods by specifying that they are electrical in nature and must further specify the nature of the "systems". Applicant must clarify the identification of goods to specify the common commercial or generic name for the goods. If there is no common commercial or generic name, then applicant must describe the product and intended consumer as well as its main purpose and intended uses. TMEP § 1402.01. The underlined wording in the identification below is indefinite and/or improperly classified and is followed by suggested wording in brackets. Applicant may adopt any or all of the following identifications and classifications, if accurate:

Static transfer switches [must indicate that the switches are electrical, may amend to: Electrical static transfer switches], power distribution units [must indicate that the units are electrical, may amend to: electrical power distribution units], integrated static transfer switch-power distribution unit systems [must indicate that the units are electrical, may amend to: electrical integrated static transfer switch-power distribution unit systems], remote power panels, remote distribution panels [may amend both to: electrical remote distribution systems, namely, power distribution panels], power monitoring systems [must provide further clarification about the system, may amend to: electronic monitors and monitor modules for monitoring electric current and electrical signals] and uninterruptible power systems [may amend to: uninterruptible electrical power supplies]

In the identification of goods, applicant must use the common commercial or generic names for the goods, be as complete and specific as possible, and avoid the use of indefinite words and phrases. If applicant

uses indefinite words such as “accessories,” “components,” “devices,” “equipment,” “materials,” “parts,” “systems” or “products,” such words must be followed by “namely,” followed by a list of the specific goods identified by their common commercial or generic names. *See* TMEP §§1402.01, 1402.03(a).

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

Identifications of goods and/or services can be amended only to clarify or limit the goods and/or services; adding to or broadening the scope of the goods and/or services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods and/or services that are not within the scope of the goods and/or services set forth in the present identification.

### **DISCLAIMER REQUIRED**

Applicant must disclaim the descriptive wording “POWER SYSTEMS, INC.” apart from the mark as shown because it merely describes applicant’s entity type and the type of goods sold by applicant, respectively, a corporation and systems of high tension cables by which electrical power is distributed throughout a region. See attached website evidence from <http://www.dictionary.com>. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office’s *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

**No claim is made to the exclusive right to use “POWER SYSTEMS, INC.” apart from the mark as shown.**

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm’r Pats. 1983).

The Office can require an applicant to disclaim an unregistrable part of a mark consisting of particular wording, symbols, numbers, design elements, or combinations thereof. 15 U.S.C. §1056(a). Under Trademark Act Section 2(e), the Office can refuse registration of an entire mark if the entire mark is merely descriptive, deceptively misdescriptive, or primarily geographically descriptive of the goods and/or services. 15 U.S.C. §1052(e). Thus, the Office may require an applicant to disclaim a portion of a mark that, when used in connection with the goods and/or services, is merely descriptive, deceptively misdescriptive, primarily geographically descriptive, or otherwise unregistrable (e.g., generic). *See* TMEP §§1213, 1213.03.

Failure to comply with a disclaimer requirement can result in a refusal to register the entire mark. TMEP §1213.01(b).

A “disclaimer” is a statement that applicant does not claim exclusive rights to an unregistrable component of a mark. TMEP §1213. A disclaimer does not affect the appearance of the applied-for mark. *See* TMEP §1213.10.

### **RESPONSE TEAS**

To expedite prosecution of the application, applicant is encouraged to file its response to this Office action

online via the Trademark Electronic Application System (TEAS), which is available at <http://www.uspto.gov/teas/index.html>. If applicant has technical questions about the TEAS response to Office action form, applicant can review the electronic filing tips available online at <http://www.uspto.gov/teas/eFilingTips.htm> and email technical questions to [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

If applicant has questions about its application or this Office action, please contact the assigned trademark examining attorney at the telephone number below.


/Blake Lovelace/  
James B. Lovelace  
Trademark Examining Attorney  
Law Office 117  
P: 571.270.1533  
F: 571.270.2533

**RESPOND TO THIS ACTION:** Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

**STATUS CHECK:** Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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
### power system

*noun*

a system of high tension cables by which electrical power is distributed throughout a region

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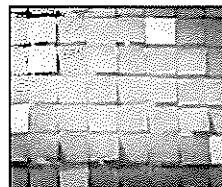
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## inc.

1. engraved. Origin:  
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4. including.
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## Slang Dictionary

### inc

/ink/ v. Verbal (and only rarely written) shorthand for increment, i.e. 'increase by one'. Especially used by assembly programmers, as many assembly languages have an 'inc' mnemonic. Antonym: dec (see [DEC](#)).

Jargon File 4.2.0

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## Computing Dictionary

### inc

/ink/ increment, i.e. increase by one. Especially used by assembly programmers, as many assembly languages have an "inc" mnemonic. Antonym: dec. [[The Jargon File](#)]

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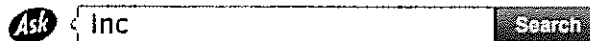
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**Print: Aug 3, 2009**

**77580392**

**DESIGN MARK**

**Serial Number**  
77580392

**Status**  
NOTICE OF ALLOWANCE - ISSUED

**Word Mark**  
LAYER 0

**Standard Character Mark**  
Yes

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Ortronics, Inc. CORPORATION CONNECTICUT 125 Eugene O'Neill Drive New  
London CONNECTICUT 06320

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
equipment for voice and data communications systems, namely, cable  
management racks and cabinets for copper and fiber optic data cables  
for structured cabling systems.

**Filing Date**  
2008/09/26

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Mark D. Giarratana, Esq.

LAYER 0

**Print: Aug 3, 2009**

**77580391**

**DESIGN MARK**

**Serial Number**  
77580391

**Status**  
NOTICE OF ALLOWANCE - ISSUED

**Word Mark**  
LAYER ZERO

**Standard Character Mark**  
Yes

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
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**Owner**  
Ortronics, Inc. CORPORATION CONNECTICUT 125 Eugene O'Neill Drive New  
London CONNECTICUT 06320

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
equipment for voice and data communications systems, namely, cable  
management racks and cabinets for copper and fiber optic data cables  
for structured cabling systems.

**Filing Date**  
2008/09/26

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Mark D. Giarratana, Esq.

LAYER ZERO

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 77727998 - LAYERZERO  
POWER SYST - 28142/04002  
**Sent:** 8/4/2009 9:07:31 AM  
**Sent As:** ECOM117@USPTO.GOV  
**Attachments:**

## **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

Your trademark application (Serial No. 77727998) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office action") on 8/4/2009 to which you must respond (*unless the Office letter specifically states that no response is required*). Please follow these steps:

1. Read the Office letter by clicking on this [link](http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77727998&doc_type=OOA&)  
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**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Contact the examining attorney who reviewed your application if you have any questions about the content of the Office letter (contact information appears at the end thereof).

3. Respond within 6 months, calculated from 8/4/2009 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System (TEAS) Response to Office Action form. If you have difficulty using TEAS, contact [TEAS@uspto.gov](mailto:TEAS@uspto.gov).

### **ALERT:**

Failure to file any required response by the applicable deadline will result in the ABANDONMENT (loss) of your application.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses.

\*\*\* User:jlovelace \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2834	N/A	0	0	0:01	*lay{v0:1}r*[bi,ti]
02	54506	N/A	0	0	0:02	*0*[bi,ti]
03	3244	N/A	0	0	0:01	*zero*[bi,ti]
04	35725	N/A	0	0	0:03	*p{v0:1}w{v0:1}r*[bi,ti]
05	36967	N/A	0	0	0:03	*s{v}st{v}m*[bi,ti]
06	27	0	27	23	0:01	1 and (2 3 4 5) not dead[ld]
07	276	0	276	192	0:01	(2 3) and (4 5) not dead[ld]
08	160	0	160	131	0:01	4 and 5 not dead[ld]
09	960	N/A	0	0	0:03	*layer*[bi,ti] not dead[ld]
10	624	N/A	0	0	0:01	*layer*[bi,ti] not dead[ld] and "009"[cc]
11	206	0	206	162	0:02	*layer*[bi,ti] not dead[ld] and ("009" or a or b or 200)[ic]
12	258	0	258	200	0:02	*zero*[bi,ti] not dead[ld] and ("009" or a or b or 200)[ic]

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**From:** TMDesignCodeComments  
**Sent:** Friday, May 8, 2009 00:14 AM  
**To:** ipdocket@calfee.com  
**Subject:** Notice of Pseudo Mark for Serial Number: 77727998  
**ATTORNEY REFERENCE NUMBER:** 28142/04002

---

The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

**Pseudo marks assigned to the referenced serial number are listed below.**

**PSEUDO MARK:**

LAYER ZERO POWER SYSTEMS, INC.

## Trademark/Service Mark Application, Principal Register

Serial Number: 77727998

Filing Date: 05/04/2009

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77727998
<b>MARK INFORMATION</b>	
*MARK	<u>LAYERZERO POWER SYSTEMS, INC.</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	LAYERZERO POWER SYSTEMS, INC.
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	LayerZero Power Systems, Inc.
*STREET	8893 Lake in the Woods Trail
*CITY	Chagrin Falls
*STATE (Required for U.S. applicants)	Ohio
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	44023
EMAIL ADDRESS	ipdocket@calfee.com
<b>LEGAL ENTITY INFORMATION</b>	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Ohio
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
INTERNATIONAL CLASS	009

<b>*IDENTIFICATION</b>	Static transfer switches, power distribution units, integrated static transfer switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems
<b>FILING BASIS</b>	<b>SECTION I(a)</b>
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 04/26/2001
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 04/26/2001
<b>SPECIMEN FILE NAME(S)</b>	<u>\\TICRS\EXPORT6\IMAGEOUT6\777\279\77727998\xml1\AP P0003.JPG</u>
	<u>\\TICRS\EXPORT6\IMAGEOUT6\777\279\77727998\xml1\AP P0004.JPG</u>
<b>SPECIMEN DESCRIPTION</b>	Digital images of goods bearing the mark and close-up of nameplate attached to goods
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Raymond Rundelli
<b>ATTORNEY DOCKET NUMBER</b>	28142/04002
<b>FIRM NAME</b>	Calfee, Halter & Griswold LLP
<b>INTERNAL ADDRESS</b>	Suite 1400
<b>STREET</b>	800 Superior Avenue
<b>CITY</b>	Cleveland
<b>STATE</b>	Ohio
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	44114-2688
<b>PHONE</b>	216-622-8200
<b>FAX</b>	216-241-0816
<b>EMAIL ADDRESS</b>	ipdocket@calfee.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Charles B. Lyon, Leonard L. Lewis, John T. Wiedemann, John E. Miller, Tara A. Kastelic, John S. Cipolla, Daniel J. McMullen, Nenad Pejic, Mary E. Golrick, Pamela A. Docherty, Sean T. Moorhead, George R. Hoskins, Brian E. Kondas, Jennifer B. Wick, Chet J. Bonner,

Timothy J. Connors, Ryan W. Falk, William A. Johnston, Kenneth J. Smith, Georgia E. Yanchar, David J. Grover, Atossa Alavi, Mark W. McDougall, Michael Olshavsky, Juliet P. Castrovinci, Mark A. Watson, Raymond Russell, Billy C. Raulerson

**CORRESPONDENCE INFORMATION**

NAME	Raymond Rundelli
FIRM NAME	Calfee, Halter & Griswold LLP
INTERNAL ADDRESS	Suite 1400
STREET	800 Superior Avenue
CITY	Cleveland
STATE	Ohio
COUNTRY	United States
ZIP/POSTAL CODE	44114-2688
PHONE	216-622-8200
FAX	216-241-0816
EMAIL ADDRESS	ipdocket@calfee.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

**FEE INFORMATION**

NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325

**SIGNATURE INFORMATION**

SIGNATURE	/Juliet P. Castrovinci/
SIGNATORY'S NAME	Juliet P. Castrovinci
SIGNATORY'S POSITION	Attorney of record, Ohio bar member
DATE SIGNED	05/01/2009

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77727998**

**Filing Date: 05/04/2009**

### To the Commissioner for Trademarks:

**MARK:** LAYERZERO POWER SYSTEMS, INC. (Standard Characters, see mark)

The literal element of the mark consists of LAYERZERO POWER SYSTEMS, INC..

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, LayerZero Power Systems, Inc., a corporation of Ohio, having an address of  
8893 Lake in the Woods Trail  
Chagrin Falls, Ohio 44023  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Static transfer switches, power distribution units, integrated static transfer switch-power distribution unit systems, remote power panels, remote distribution panels, power monitoring systems and uninterruptible power systems

In International Class 009, the mark was first used at least as early as 04/26/2001, and first used in commerce at least as early as 04/26/2001, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Digital images of goods bearing the mark and close-up of nameplate attached to goods.

Specimen File1

Specimen File2

### The applicant's current Attorney Information:

Raymond Rundelli and Charles B. Lyon, Leonard L. Lewis, John T. Wiedemann, John E. Miller, Tara A. Kastelic, John S. Cipolla, Daniel J. McMullen, Nenad Pejic, Mary E. Golrick, Pamela A. Docherty, Sean T. Moorhead, George R. Hoskins, Brian E. Kondas, Jennifer B. Wick, Chet J. Bonner, Timothy J. Connors, Ryan W. Falk, William A. Johnston, Kenneth J. Smith, Georgia E. Yanchar, David J. Grover, Atossa Alavi, Mark W. McDougall, Michael Olshavsky, Juliet P. Castrovinci, Mark A. Watson, Raymond Russell, Billy C. Raulerson of Calfee, Halter & Griswold LLP

Suite 1400  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
United States

The attorney docket/reference number is 28142/04002.

The applicant's current Correspondence Information:

Raymond Rundelli  
Calfee, Halter & Griswold LLP  
Suite 1400  
800 Superior Avenue  
Cleveland, Ohio 44114-2688  
216-622-8200(phone)  
216-241-0816(fax)  
ipdocket@calfee.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

**Declaration**

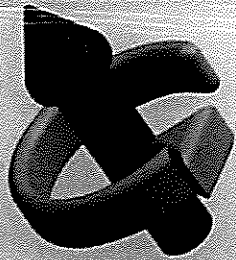
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Juliet P. Castrovinci/ Date Signed: 05/01/2009  
Signatory's Name: Juliet P. Castrovinci  
Signatory's Position: Attorney of record, Ohio bar member

RAM Sale Number: 6676  
RAM Accounting Date: 05/04/2009

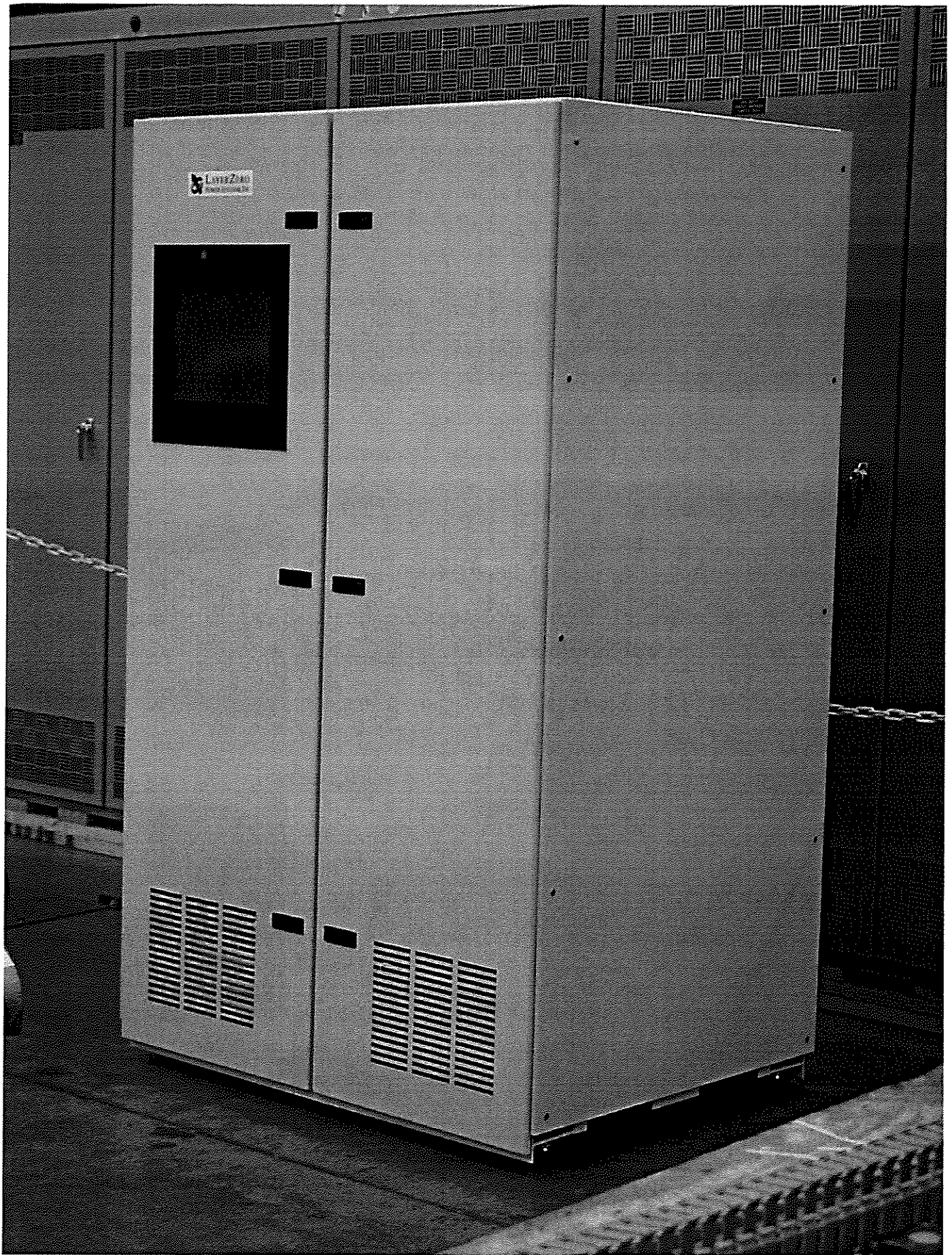
Serial Number: 77727998  
Internet Transmission Date: Mon May 04 11:05:39 EDT 2009  
TEAS Stamp: USPTO/BAS-208.11.92.3-200905041105393492  
83-77727998-400d3d6d21bd80b4925b1c77ece7  
667672-DA-6676-20090430162013370903

LAYERZERO POWER SYSTEMS,  
INC.

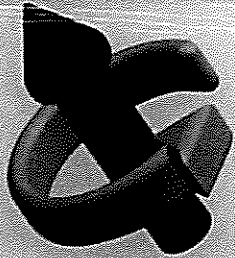


LAYERZERO  
POWER SYSTEMS, INC.



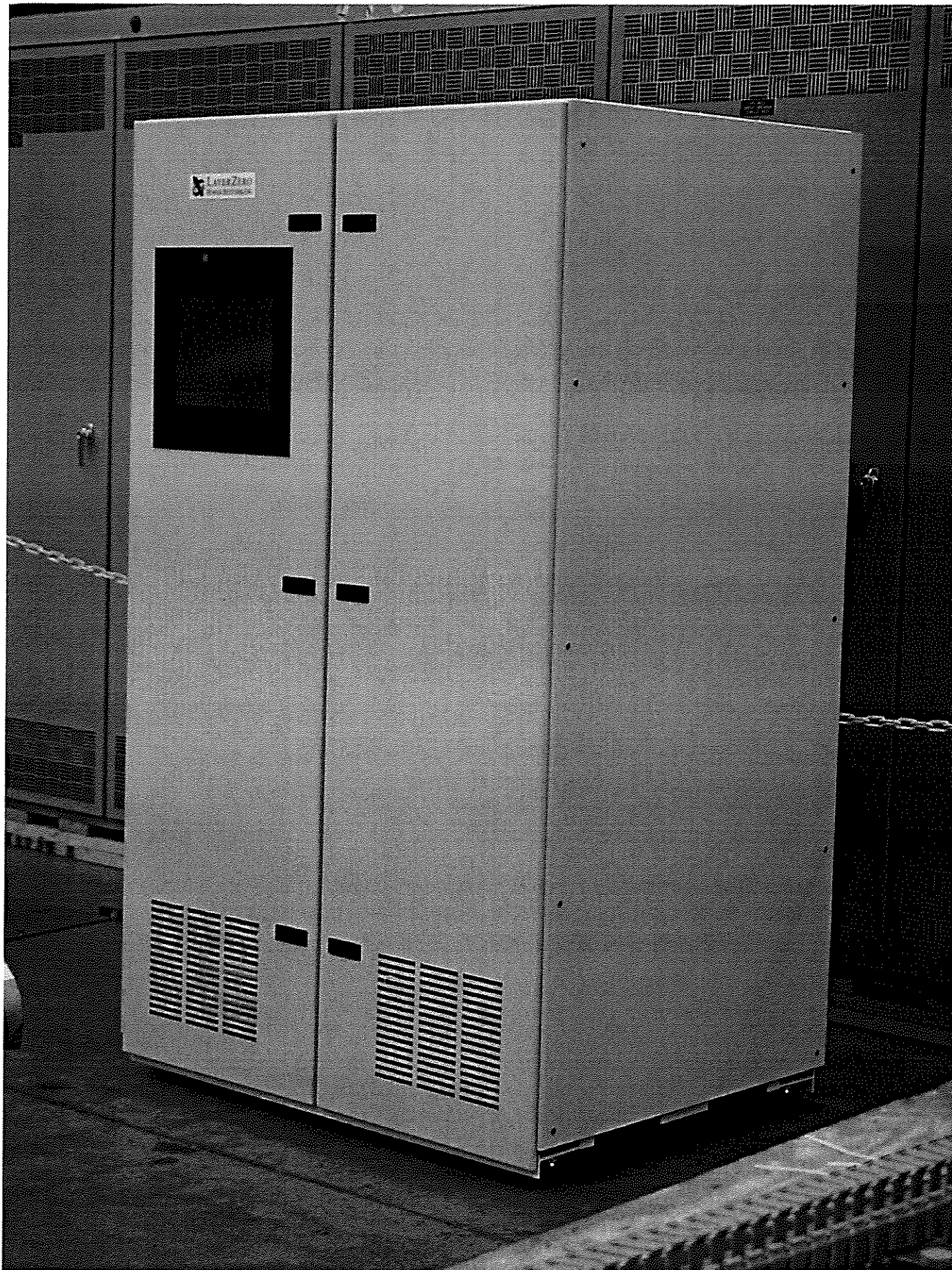


LAYERZERO POWER SYSTEMS,  
INC.



LAYERZERO  
POWER SYSTEMS, INC.





**EXHIBIT C**

Generated on: This page was generated by TSDR on 2013-10-01 15:27:33 EDT

Mark: LAYERZERO

LAYERZERO

US Serial Number: 85578591

Application Filing Date: Mar. 23, 2012

Register: Principal

Mark Type: Trademark

Status: Suspension check completed. Application remains suspended.

Status Date: Aug. 07, 2013

## Mark Information

Mark Literal Elements: LAYERZERO

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems, electrical uninterruptible power systems, switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power distribution systems

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(b)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: LayerZero Power Systems, Inc.

Owner Address: 8893 Lake in the Woods Trail  
Chagrin Falls, OHIO 44023  
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where  
Organized: OHIO

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Raymond Rundelli

Docket Number: 28142/04006

Attorney Primary Email [ipdocket@calfee.com](mailto:ipdocket@calfee.com)  
Address:

Attorney Email Yes  
Authorized:

### Correspondent

Correspondent RAYMOND RUNDELLI  
Name/Address: CALFEE, HALTER & GRISWOLD LLP  
1405 E 6TH ST  
CLEVELAND, OHIO 44114-1600  
UNITED STATES

Phone: 216-622-8200

Fax: 216-241-0816

Correspondent e-mail: [ipdocket@cafee.com](mailto:ipdocket@cafee.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

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## Prosecution History

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Date	Description	Proceeding Number
Aug. 07, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70884
Feb. 06, 2013	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	70884
Feb. 04, 2013	ASSIGNED TO LIE	70884
Aug. 04, 2012	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 04, 2012	LETTER OF SUSPENSION E-MAILED	6332
Aug. 04, 2012	SUSPENSION LETTER WRITTEN	68365
Aug. 01, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 01, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 01, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 11, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 11, 2012	NON-FINAL ACTION E-MAILED	6325
Jul. 11, 2012	NON-FINAL ACTION WRITTEN	68365
Jun. 28, 2012	ASSIGNED TO EXAMINER	68365
Mar. 31, 2012	NOTICE OF PSEUDO MARK MAILED	
Mar. 30, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 27, 2012	NEW APPLICATION ENTERED IN TRAM	

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## TM Staff and Location Information

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### TM Staff Information

TM Attorney: KING, CHRISTINA B

Law Office Assigned: LAW OFFICE 109

### File Location

Current Location: TMEG LAW OFFICE 109

Date in Location: Aug. 07, 2013

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85578591 - LAYERZERO - 28142/04006  
**Sent:** 8/4/2012 2:16:20 PM  
**Sent As:** ECOM109@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85578591

**MARK:** LAYERZERO

**\*85578591\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
1405 E 6TH ST  
CLEVELAND, OH 44114-1600

**GENERAL TRADEMARK INFORMATION:**  
<http://www.uspto.gov/trademarks/index.jsp>

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04006

**CORRESPONDENT E-MAIL ADDRESS:**

[ipdocket@calfee.com](mailto:ipdocket@calfee.com)

**SUSPENSION NOTICE: NO RESPONSE NEEDED**

**ISSUE/MAILING DATE:** 8/4/2012

The trademark examining attorney is suspending action on the application for the reason(s) stated below.  
*See* 37 C.F.R. §2.67; TMEP §§716 *et seq.*

The USPTO will periodically conduct a status check of the application to determine whether suspension remains appropriate, and the trademark examining attorney will issue as needed an inquiry letter to applicant regarding the status of the matter on which suspension is based. TMEP §§716.04, 716.05. Applicant will be notified when suspension is no longer appropriate. *See* TMEP §716.04.

No response to this notice is necessary; however, if applicant wants to respond, applicant should use the



“Response to Suspension Inquiry or Letter of Suspension” form online at <http://teasroa.uspto.gov/rsi/rsi>.

**PENDING CIVIL PROCEEDING(S):** The pending civil proceeding(s) below pertains to (1) a registered mark that conflicts with applicant’s mark under Trademark Act Section 2(d), (2) a mark in a pending application(s) that could conflict with applicant’s mark under Section 2(d) if it registers, and/or (3) the registrability of applicant’s mark. *See* 15 U.S.C. §1052; 37 C.F.R. §2.83; TMEP §§716.02(a), (c)-(d), 1208 *et seq.* Because the civil proceeding(s) pertains to an issue that could directly affect whether applicant’s mark can be registered, action on this application is suspended pending termination of the civil proceeding(s). *See* 37 C.F.R. §2.67; TMEP §§716.02(a), (c)-(d).

- Cancellation No(s). 92054573

**\*\*The requirement for an acceptable identification of goods is continued.**

Applicant may adopt the following identification, if accurate:

“Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems and electrical uninterruptible power systems **comprising** switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power **electrical** distribution systems, **namely power distribution panels**,” in class 9.

/Chrisie Brightmire King/  
Trademark Attorney  
Law Office 109  
(571) 272-9179  
[chrisie.king@uspto.gov](mailto:chrisie.king@uspto.gov)

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85578591 - LAYERZERO - 28142/04006  
**Sent:** 8/4/2012 2:16:20 PM  
**Sent As:** ECOM109@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 8/4/2012 FOR  
SERIAL NO. 85578591**

Please follow the instructions below:

**TO READ OFFICE LETTER:** Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office letter

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**HELP:** For *technical* assistance in accessing the Office correspondence, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office letter.

**Trademark Snap Shot Amendment & Mail Processing Stylesheet**  
(Table presents the data on Amendment & Mail Processing Complete)

**OVERVIEW**

SERIAL NUMBER	85578591	FILING DATE	03/23/2012
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	KING, CHRISTINA B	L.O. ASSIGNED	109

**PUB INFORMATION**

RUN DATE	08/02/2012		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	08/01/2012		
LITERAL MARK ELEMENT	LAYERZERO		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	YES
LITERAL MARK ELEMENT	LAYERZERO

MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	LayerZero Power Systems, Inc.
ADDRESS	8893 Lake in the Woods Trail Chagrin Falls, OH 44023
ENTITY	03-CORPORATION
CITIZENSHIP	Ohio

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems, electrical uninterruptible power systems, switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power distribution systems

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	LAYER ZERO

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/01/2012	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
08/01/2012	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
08/01/2012	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
07/11/2012	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	007
07/11/2012	GNRT	F	NON-FINAL ACTION E-MAILED	006
07/11/2012	CNRT	R	NON-FINAL ACTION WRITTEN	005

06/28/2012	DOCK	D	ASSIGNED TO EXAMINER	004
03/31/2012	MPMK	O	NOTICE OF PSEUDO MARK MAILED	003
03/30/2012	NWOS	I	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	002
03/27/2012	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Raymond Rundelli
CORRESPONDENCE ADDRESS	RAYMOND RUNDELLI CALFEE, HALTER & GRISWOLD LLP 1405 E 6TH ST CLEVELAND, OH 44114-1600
DOMESTIC REPRESENTATIVE	NONE

# LAYERZERO

## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85578591
LAW OFFICE ASSIGNED	LAW OFFICE 109
MARK SECTION (no change)	
ARGUMENT(S)	
In her office action of July 11, 2012, the Examining Attorney issued a likelihood of confusion refusal based on Registration Nos. 3998542 and 3998543. Please note that these Registrations are currently the subject of a cancellation proceeding pending with the TTAB (Cancellation No. 92054573). This cancellation was brought by Applicant basin connection with Application No. 77727998 for LAYERZERO POWER SYSTEMS, INC., for a mark related to the subject application. Therefore, Applicant respectfully requests that the Examining Attorney suspend action on Application No. 85578591 pending the disposition of Cancellation No. 92054573 with the TTAB.	
SIGNATURE SECTION	
RESPONSE SIGNATURE	/Juliet P. Castrovinci/
SIGNATORY'S NAME	Juliet P. Castrovinci
SIGNATORY'S POSITION	Attorney of Record, Ohio and DC bar member
SIGNATORY'S PHONE NUMBER	216-622-8200
DATE SIGNED	08/01/2012
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Aug 01 12:50:31 EDT 2012
TEAS STAMP	USPTO/ROA-207.54.134.4-20 120801125031831445-855785 91-4908418260a65489a96da9 a762ca2fal d-N/A-N/A-20120 801122111612713

**Response to Office Action**  
**To the Commissioner for Trademarks:**

Application serial no. **85578591** has been amended as follows:

**ARGUMENT(S)**

**In response to the substantive refusal(s), please note the following:**

In her office action of July 11, 2012, the Examining Attorney issued a likelihood of confusion refusal based on Registration Nos. 3998542 and 3998543. Please note that these Registrations are currently the subject of a cancellation proceeding pending with the TTAB (Cancellation No. 92054573). This cancellation was brought by Applicant basin connection with Application No. 77727998 for LAYERZERO POWER SYSTEMS, INC., for a mark related to the subject application. Therefore, Applicant respectfully requests that the Examining Attorney suspend action on Application No. 85578591 pending the disposition of Cancellation No. 92054573 with the TTAB.

**SIGNATURE(S)**

**Response Signature**

Signature: /Juliet P. Castrovinci/ Date: 08/01/2012

Signatory's Name: Juliet P. Castrovinci

Signatory's Position: Attorney of Record, Ohio and DC bar member

Signatory's Phone Number: 216-622-8200

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 85578591

Internet Transmission Date: Wed Aug 01 12:50:31 EDT 2012

TEAS Stamp: USPTO/ROA-207.54.134.4-20120801125031831

445-85578591-4908418260a65489a96da9a762c

a2fa1d-N/A-N/A-20120801122111612713



**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85578591 - LAYERZERO - 28142/04006  
**Sent:** 7/11/2012 9:59:26 PM  
**Sent As:** ECOM109@USPTO.GOV

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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85578591

**MARK:** LAYERZERO

**\*85578591\***

**CORRESPONDENT ADDRESS:**

RAYMOND RUNDELLI  
CALFEE, HALTER & GRISWOLD LLP  
1405 E 6TH ST  
CLEVELAND, OH 44114-1600

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[http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp)

**APPLICANT:** LayerZero Power Systems, Inc.

**CORRESPONDENT'S REFERENCE/DOCKET**

**NO:**

28142/04006

**CORRESPONDENT E-MAIL ADDRESS:**

ipdocket@calfee.com

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE:** 7/11/2012

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

**Refusal – Likelihood of Confusion**

Registration of the applied-for mark is refused because of a likelihood of confusion with the marks in U.S.

Registration Nos. 3998542 and 3998543. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registrations.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused, mistaken, or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). In the seminal decision *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973), the court listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one of the factors may control in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1355, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity and nature of the goods and/or services, and similarity of the trade channels of the goods and/or services. *See In re Viterro Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593, 1595-96 (TTAB 1999); TMEP §§1207.01 *et seq.*

Already registered are the marks **LAYER ZERO** and **LAYER 0** for equipment for voice and data communications systems, namely, cable management racks and cabinets for copper and fiber optic data cables for structured cabling systems. The applicant's mark is **LAYERZERO** for electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems, electrical uninterruptible power systems, switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power distribution systems.

### ***Comparison of the Marks***

The applicant's mark is the same as the registrant's first mark and the phonetic equivalent of the applicant's second mark. The marks are essentially phonetic equivalents and thus sound similar. Similarity in sound alone may be sufficient to support a finding that the marks are confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b)(iv). The marks are confusingly similar.

### ***Comparison of the Goods***

The goods are closely related because power distribution units, panels and switches are commonly sold in connection with cabling racks and systems. See the attached website evidence from <http://www.commnetsystems.com>, <http://www.provantage.com> and <http://www.belkin.com> indicating that power distribution units and various types of cabling systems and racks commonly emanate from a single source and travel in the same channels of trade.

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or

are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

The trademark examining attorney has attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods and/or services as those of both applicant and registrant in this case. This evidence shows that the goods and/or services listed therein, namely power distribution units, electrical switches, cables and racks for electronic devices, are of a kind that may emanate from a single source under a single mark. *See In re Davey Prods. Pty Ltd.*, 92 USPQ2d 1198, 1203 (TTAB 2009); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii).

Accordingly registration is refused because there is a great likelihood of confusion as to the source of the goods.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

### **Identification of Goods**

The identification of goods is indefinite and must be clarified because parts of the identification are too broad. *See* TMEP §1402.01.

Applicant may adopt the following identification, if accurate:

"Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems **and** electrical uninterruptible power systems **comprising** switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power **electrical** distribution systems, **namely power distribution panels**," in class 9.

An applicant may amend an identification of goods only to clarify or limit the goods; adding to or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07 *et seq.*

For assistance with identifying and classifying goods and/or services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. *See* TMEP §1402.04.

### **Assistance**

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§304.01-.02, 709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide

legal advice or statements about applicant's rights. See TMEP §§705.02, 709.06.

/Chrisie Brightmire King/  
Trademark Attorney  
Law Office 109  
(571) 272-9179  
chrisie.king@uspto.gov

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**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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**DESIGN MARK**

**Serial Number**  
77580391

**Status**  
CANCELLATION PENDING

**Word Mark**  
LAYER ZERO

**Standard Character Mark**  
Yes

**Registration Number**  
3998542

**Date Registered**  
2011/07/19

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Ortronics, Inc. CORPORATION CONNECTICUT 125 Eugene O'Neill Drive New  
London CONNECTICUT 06320

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
equipment for voice and data communications systems, namely, cable  
management racks and cabinets for copper and fiber optic data cables  
for structured cabling systems. First Use: 2009/11/05. First Use In  
Commerce: 2009/11/05.

**Filing Date**  
2008/09/26

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Mark D. Giarratana, Esq.

LAYER ZERO

**DESIGN MARK**

**Serial Number**  
77580392

**Status**  
CANCELLATION PENDING

**Word Mark**  
LAYER 0

**Standard Character Mark**  
Yes

**Registration Number**  
3998543

**Date Registered**  
2011/07/19

**Type of Mark**  
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**Register**  
PRINCIPAL

**Mark Drawing Code**  
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Commerce: 2009/11/05.

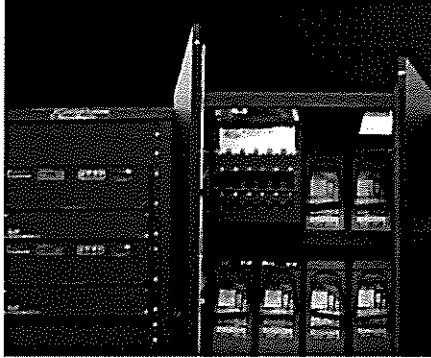
**Filing Date**  
2008/09/26

**Examining Attorney**  
BUCHANAN WILL, NORA

**Attorney of Record**  
Mark D. Giarratana, Esq.



LAYER 0



*Cobalt ESS Battery Cabinet*  
NFPA code compliant VRLA battery storage with  
integrated battery monitoring.

**Innovative, High Density  
Communications Power:**

**Comm/net Products:**

DC Power Source Systems  
DC Distribution Systems (High  
Current)  
DC Distribution Systems

**Comprehensive Power Systems Integration**

**Engineering/Integration Services**

Communications site power systems integration services. High-  
reliability, modular and redundant power infrastructure for  
advanced networks.

**Power quality & reliability assurance programs:**

Contact CSI for site assessment and review of facility power

**CSI Recognized as Fastest  
Growing Firm**

Comm/net Systems recognized as one  
of the 100 fastest growing private  
companies in the Puget Sound region  
by the Puget Sound Business Journal in  
2007, 2008, 2009 and 2011.

DC Distribution Systems  
(Medium/Low Current)

Rack Mount DC Distribution  
Systems

Battery Systems

Power

Cabinets/Racks/Integrated

Power Systems

Power Quality/Site Monitoring

AC Power Systems

Support Components and  
Accessories

Contact CSI for site assessment and review of facility power  
source and distribution reliability, capacity and upgrade  
recommendations.

#### Service After The Sale

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Emergency Dispatch

Onsite Power Reliability Upgrades

Power Capacity Analysis



#### CSI Regional Office Expansion

CSI has opened new regional offices in  
Los Angeles California to serve the  
Southern California market as well as  
a Dallas-Ft. Worth office to serve the  
Texas and southeast US markets.

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6Gb/s with NCQ 64MB  
Cache 3.5"



3  
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Back-UPS Pro 1500  
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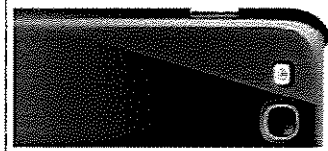
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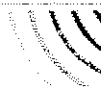
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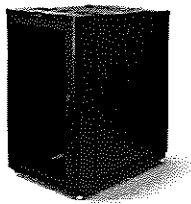


Cable Wizard

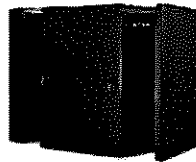
Select the connector ends to find your cable

### Belkin Integration Series Enclosures

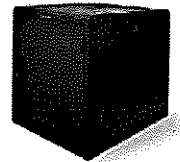
Belkin Integration Series Enclosures help prolong the life of mission-critical network hardware, prevent unauthorized access, and provide superior physical security for valuable network equipment. Our Enclosures are ideal for building the foundation of a new network or integrating seamlessly within your existing infrastructure.



24U Premium Enclosure  
\$1349.90



12U Wall-Mount Enclosure  
\$624.99



Mini Enclosure  
\$1049.00



42U Premium Enclosure  
\$1699.90

### 2 and 4 Post Racks

Belkin 2-Post Racks provide a stable, economical, and durable solution for securing patch panels, switches, cabling, and other rack-mountable networking equipment.



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**Belkin** good

1% of every purchase goes  
back into the community.



2-Post Rack 24U  
\$238.99



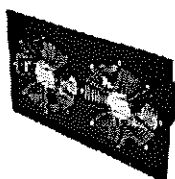
2-Post Rack 42U  
\$170.99



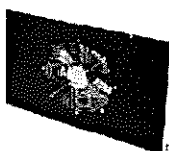
Enterprise 4-Post Rack 42U  
\$564.99

#### Thermal Management Accessories

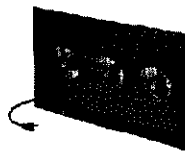
Protect your network equipment from overheating with Belkin thermal management solutions, including enclosure top options and blowers.



Enclosure Top-Panel  
Double 10" Fan  
\$369.99



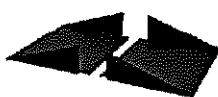
Enclosure Top-Panel Single  
10" Fan  
\$229.99



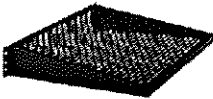
Enclosure Top-Panel 3-  
Muffin Fan  
\$339.99

#### Shelves

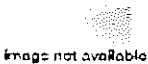
Expand your network with a complete line of shelving accessories.



Double-Sided 2-Post  
Shelves - 30" Depth  
\$169.99



Double-Sided 2-Post  
Shelves - 18" Depth  
\$124.99



Sliding Shelf 32" Depth  
\$329.99

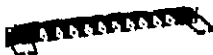
Sliding Shelf 26" Depth  
\$269.99

Fixed Front Mount Shelf  
\$104.99

Fixed Vented Shelf  
\$114.99

Cable Management

Belkin provides an end-to-end solution to help you maximize network performance while organizing and protecting cables. Our cable management accessories ensure better cable organization, protection, and performance.



Low-Density Cable Manager  
\$53.99



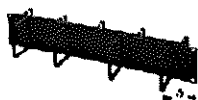
Single-Sided Cable Manager  
\$64.99



Horizontal Cable Manager  
\$54.99



Double-Sided 7' Vertical  
Cable Manager  
\$259.99



Double-Sided 2U Horizontal  
Cable Manager  
\$104.99



Double-Sided Horizontal  
Cable Manager  
\$62.99

#### Enclosure Accessories

Secure your enclosure and help protect your valuable network equipment



Belkin Rackmount Power  
Distribution Unit with Twist  
Lock Plug  
\$220.99



Belkin Rackmount Power  
Distribution Unit  
\$244.99



Enclosure Casters (Set of 4)  
\$149.99

#### Installation Hardware

Hardware for installing and securing your equipment within Belkin Racks and Enclosures





3U Filler Panel (Set of 2)  
\$79.99



2U Filler Panel (Set of 2)  
\$59.99



Filler Panel Kit  
\$163.99



1U Filler Panel (Set of 2)  
\$39.99



12/24 Screws - 50  
\$19.99



M6 Cage Nuts and Screws  
\$74.99

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## Power Solutions to Meet Your Needs

Comm/net Systems, Inc. (CSI) is a provider of comprehensive power source, distribution, and integration solutions for high reliability communications network infrastructures.

Our innovative and customer driven product solutions are deployed in Fortune 100 company facilities worldwide, providing reliable power for advanced communication networks.

### PRODUCTS BY CATEGORY:

#### **Rack Mount Power Distribution**

[Power Sources](#)

[Battery Systems](#)

[Site Monitoring Systems](#)

[Racks and Power Cabinets](#)

[AC Systems](#)

### Rack Mount Power Distribution

Innovative, compact, high power density DC distribution fuse panels, circuit breaker panels, distribution centers.

CSI manufactures a complete line of rack mount distribution systems from 50A GMT fuse panels to 800A circuit breaker distribution centers.

All products are 19"/23" universal rack mount and feature high current, high fuse/breaker count in a small RU footprint.

### Product Tags:

[GMT](#)

### Related Literature

[Datasheet > Zero RU Vertical PDU DC Power Distribution System](#)

### LOCAL SOLUTIONS

Power Accessories

BDDBs - High Power Distribution

**PRODUCTS BY FAMILY:**

PUT

BDDB

Cobalt ESS Energy Storage

DCX

GIX

GMT

HDCO

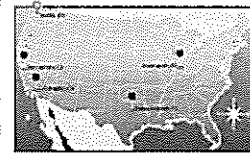
HDX

KTK

Matrix Panel

Vertical DC Distribution

**Comm/net Systems is Local!**



CSI has regional branch offices in the US and Canada to provide local integration and service support:

Seattle

San Leandro (SFO Bay area)

Los Angeles

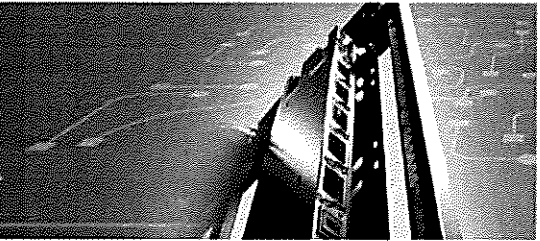
Indianapolis

Dallas-Ft. Worth

Vancouver, B.C. Canada

## Zero RU Vertical PDU DC Power Distribution System

The innovative and unique vertical power strip configuration provides high current and high density DC power distribution to high power load network racks and cabinets. The ZRU is an integrated vertical PDU solution that does not require mounting in valuable network rack front panel RU space and instead is designed for vertical rear rack/cabinet mounting.



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### Vertical DC Distribution

Industry First – Integrated vertical DC PDU with high current distribution.

The CSI Zero Rack Unit DC PDU (power distribution unit) system family consists of an innovative and unique vertical power strip configuration to provide high current and high density DC power distribution to high power load network racks and cabinets. The Zero RU is an integrated vertical PDU solution that does not require mounting in valuable network rack front panel RU space and instead is designed for vertical rear rack/cabinet mounting.

### Product Tags:

[Zero RU Power Distribution, PDU](#)

### Related Literature

[Datasheet > Zero RU Vertical PDU DC Power Distribution System](#)

### LOCAL SOLUTIONS



Power Accessories

BDIFBs - High Power Distribution

PRODUCTS BY FAMILY:

PDU+

BDIFB

Cobalt ESS Energy Storage

DCX

GJX

GMT

HDCC

HDX

KTK

Matrix Panel

Vertical DC Distribution

Internal Copper Bussing

Safe, high current DC power cabling systems - "Plug and Play".

Segmentation of power distribution system - reduced "TTTO" (Time to turn-on).

Integrated and advanced power monitoring

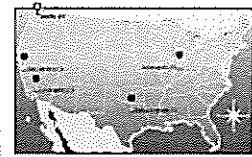
Configurable, flexible, scalable and redundant.

High power Density Distribution

CSI National footprint Matrix PDU supply and support

COMM/NET SYSTEMS

Comm/net Systems is Local



CSI has regional branch offices in the US and Canada to provide local integration and service support:

Seattle

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Comparisons

Sort by: Product Name Lowest to Highest Per Page: 30

Viewing Results 1 - 30 of 36 for racks and cabling

1 | 2 | Next

### 1 Category Match

CATEGORY Various Racks and Cabling (46)

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**FEATURES** Open Close  
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 APC (15)  
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 Chenbro Micom (1)  
 Hewlett Packard HP (2)

☒ Category (36)  
 Select a category to enable more feature selections.

Rack Equipment (1)  
 Various Racks and Cabling (35)

**PRICE RANGE**  
 \$20 to \$30 (13)  
 \$30 to \$200 (9)  
 Over \$200 (14)

Comparisons	36 Product Matches	Sorted by Ascending Product Name
<input type="checkbox"/>	<b>4U 20.5, 1pc Chassis Compatible with Tylersburg</b> Various Racks and Cabling. System Cabinet - Number of Expansion Slots: 7 - Number of Fans Installed: 1 - Number of External 3.5" Bays: 2 - Number of External 5.25" Bays: 3 - Compatible Rack Unit: 4U - Number of Total Bays: 8 - Number of Internal 3.5" ... Chenbro Micom Manuf part# RM42200-T	<b>\$130.83</b> <input type="button" value="Add to Cart"/> 30 In Stock
<input type="checkbox"/>	<b>APC SymMetra LX 13U Left Side Panel</b> Various Racks and Cabling. Side Panel - Green Compliant: Yes - Green Compliance Certificate/Authority: RoHS - Color: Black - Dimensions: 23.0" Height x 26.0" Width x 2.0" Depth - Compatibility: APC Symmetra LX - Standard Warranty: 2 Year - - APC Manuf part# SYAFSUSL	<b>\$129.54</b> <input type="button" value="Add to Cart"/> Special Order
<input type="checkbox"/>	<b>Caster Cart Board for 20 Shock Racks</b> Various Racks and Cabling. Stephen Gould Manuf part# 1SKB-1916	<b>\$219.73</b> <input type="button" value="Add to Cart"/> Special Order
<input type="checkbox"/>	<b>Ceiling Assembly Inrow RC to Inrow RC with HDW</b> Various Racks and Cabling. Allows for higher cooling to be achieved by integrating the Hot Aisle Containment System with row-based architecture. Allows for higher cooling to be achieved by integrating the Hot Insulate containment system with row-based architecture. Modular ... APC Manuf part# ACDC1018	<b>\$429.35</b> <input type="button" value="Add to Cart"/> Special Order

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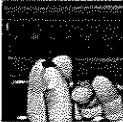



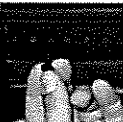










Brother MFC-9460CDN Color Laser  
All-in-One with Networking and  
Duplex Printing

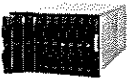
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	<b>HP 42U 1075MM Side Panel Kit</b> Various Racks and Cabling. Hewlett Packard HP Manuf part# BW806A	<b>\$384.35</b> <a href="#">Add to Cart</a> backordered
	<b>HP C3000 Rack Shipping Bracket Kit. Required When Shipping A</b> Various Racks and Cabling. Mounting Bracket - Compatibility: HP BLc3000 Single-Phase Enclosure - - Hewlett Packard HP Manuf part# 461384-B21	<b>\$27.61</b> <a href="#">Add to Cart</a> 1 In Stock
	<b>Inrow Roof Height Adapter, SX42U TOSX45U</b> Various Racks and Cabling. APC Manuf part# ACAC10025	<b>\$457.65</b> <a href="#">Add to Cart</a> Special Order
	<b>Inrow Roof Height Adapter, SX42U TOSX45U</b> Various Racks and Cabling. APC Manuf part# ACAC10026	<b>\$518.34</b> <a href="#">Add to Cart</a> Special Order
	<b>Inrow Roof Height Adapter, SX42U TOSX45U</b> Various Racks and Cabling. APC Manuf part# ACAC10027	<b>\$576.76</b> <a href="#">Add to Cart</a> Special Order
	<b>Koldlok Extended Raised Floor Grommet</b> Various Racks and Cabling. Rack Accessory Kit - Product Model: AR7740 - Product Line: KoldLok - Additional Information: Rack accessories to improve cooling efficiency by preventing air recirculation and reduce bypass airflow - - APC Manuf part# AR7740	<b>\$1676.01</b> <a href="#">Add to Cart</a> Special Order
	<b>Koldlok Integral Raised Floor Grommet</b> Various Racks and Cabling. Integral Raised Floor Grommet designed to seal openings in new raised floor cutouts prior to the installation of communications or power cabling. Based on measurements at multiple data centers, 50-80% of valuable conditioned air is not reaching the ... APC Manuf part# AR7720	<b>\$789.18</b> <a href="#">Add to Cart</a> 2 In Stock
	<b>Koldlok Surface Mount Raised Floor Grommet</b> Various Racks and Cabling. Rack Accessory Kit - Product Model: AR7730 - Product Line: KoldLok - Additional Information: Rack accessories to improve cooling efficiency by preventing air recirculation and reduce bypass airflow - - APC Manuf part# AR7730	<b>\$1293.42</b> <a href="#">Add to Cart</a> Special Order
	<b>LCD Table Arm, Support 2 Touch LCD Vertically. Up/Down, Tilt and L/R.</b>	<b>\$402.50</b>

	<p>Various Racks and Cabling. Mounting Arm - Compatibility: Miracle Business Touch LCD Screens - Product Model: MA1196E - Device Supported: Flat Panel Display - Additional Information: - Vertically - Up/Down - Tilt - Left/Right - -</p> <p>Miracle Business      Manuf part# MA1196E</p>	<p><b>\$102.56</b></p> <p><a href="#">Add to Cart</a></p> <p>Special Order </p>
	<p><b>Narrow Vertical Cable Organizer, NetShelter SX, 42U</b></p> <p>Various Racks and Cabling. Mount - Height: 76.0" - Width: 2.4" - Depth: 0.4" - Color: Black - Rack Height: 42U - Compatibility: NetShelter SX - Additional Information: Comprehensive selection of accessories designed to organize power or data cables ...</p> <p>APC      Manuf part# AR7511</p>	<p><b>\$64.26</b></p> <p><a href="#">Add to Cart</a></p> <p>4 In Stock </p>
	<p><b>NetShelter SX Roof Brush Strip</b></p> <p>Various Racks and Cabling. Air Duct - Product Model: SX - Dimensions: 0.3" Height x 7.5" Width x 2.8" Depth - Product Line: NetShelter - Additional Information: Covers open rack space to ensure proper airflow - -</p> <p>APC      Manuf part# AR7714</p>	<p><b>\$64.35</b></p> <p><a href="#">Add to Cart</a></p> <p>2 In Stock </p>
	<p><b>NetShelter SX Roof Fan Tray 208-230 VAC 750MM</b></p> <p>Various Racks and Cabling. Roof Fan Tray for NetShelter SX 750mm Enclosures features innovative design allows for fast, easy installation by almost anybody and helps to maintain proper rack temperatures within the enclosure by promoting top to bottom airflow movement.</p> <p>APC      Manuf part# ACF504</p>	<p><b>\$386.89</b></p> <p><a href="#">Add to Cart</a></p> <p>10 In Stock </p>
	<p><b>NetShelter SX750 Wide X1200MM Deep Roof</b></p> <p>Various Racks and Cabling. Roof Panel - Color: Black - Dimensions: 0.6" Height x 28.5" Width x 35.7" - -</p> <p>APC      Manuf part# AR7212</p>	<p><b>\$223.69</b></p> <p><a href="#">Add to Cart</a></p> <p>Special Order </p>
	<p><b>NetShelter Zero U Accessory Mounting Bracket</b></p> <p>Various Racks and Cabling. Mounting Bracket mounts in various locations throughout the enclosure. Installation location can be rear cable channel, front vertical mounting flange and rear vertical mounting flange. It supports small accessories and equipments.</p> <p>APC      Manuf part# AR7711</p>	<p><b>\$56.87</b></p> <p><a href="#">Add to Cart</a></p> <p>52 In Stock </p>
	<p><b>Peerless - Bracket - Metal - for VCR - English - Lifetime Warranty</b></p> <p>Rack Equipment. VCR attachment, adjustable in both height and width, these mounts accommodate most front-loading VCRs, VCPs, and DVD players.</p> <p>Product Group: Peerless Various Racks and Cabling</p> <p>Peerless Industries      Manuf part# VPM35 J</p>	<p><b>\$39.37</b></p> <p><a href="#">Add to Cart</a></p> <p>Special Order </p>
	<p><b>Phone Mod 8 Port 110 IDC with -DSL Filter</b></p> <p>Various Racks and Cabling. This Telco module provides high performance distribution for your telephone system. 110-style punchdown terminals for 4-pair wire allow as many as 4 lines to be distributed to 8 or more locations. With the DSL filter, this module has a dedicated ...</p> <p>C2G      Manuf part# 37010</p>	<p><b>\$38.93</b></p> <p><a href="#">Add to Cart</a></p> <p>2 In Stock </p>
	<p><b>Rack Mount Hardware</b></p> <p>Various Racks and Cabling.</p> <p>Starkey Gold      Manuf part# 15VBD 104</p>	<p><b>\$22.85</b></p> <p><a href="#">Add to Cart</a></p>

	Stephen Gould	Manuf part# 1SKB19-AC1	<a href="#">Add to Cart</a> Special Order 
	Rear Rack Rail Kit for 1SKB-R10 Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-RRK10	<b>\$66.79</b> <a href="#">Add to Cart</a> Special Order 
	Rear Rack Rail Kit for 1SKB-R12 Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-RRK12	<b>\$69.77</b> <a href="#">Add to Cart</a> Special Order 
	Rear Rack Rail Kit for 1SKB-R4 Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-RRK4	<b>\$34.97</b> <a href="#">Add to Cart</a> Special Order 
	Rear Rack Rail Kit for 1SKB-R6 Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-RRK6	<b>\$39.67</b> <a href="#">Add to Cart</a> Special Order 
	Rear Rack Rail Kit for 1SKB-R8 Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-RRK8	<b>\$44.79</b> <a href="#">Add to Cart</a> Special Order 
	Spools for Vertical Fiber Organizer Quantity. (4) Various Racks and Cabling. Pass-through - Height: 4.7" - Width: 2.5" - Depth: 4.1" - Rack Height: 0U - Packaged Quantity: 4 - Additional Information: - Tool-less Mounting - Expanded Cable Management - Facilitates Rear/Vertical Cable Management - - APC	Manuf part# AR8444	<b>\$59.64</b> <a href="#">Add to Cart</a> Backordered 
	Standard Caster Kit Various Racks and Cabling. Stephen Gould	Manuf part# 1SKB-1904	<b>\$100.52</b> <a href="#">Add to Cart</a> Special Order 
	Supermicro SBE-710Q-R90 SuperBlade Enclosure Chassis with four 3000W PS Retail Various Racks and Cabling. Supermicro	Manuf part# SBE-710Q-R90	<b>\$4148.32</b> <a href="#">Add to Cart</a>




**Supermicro Superblade Enclosure SBE-714D-R42 7U Chassis N+1 REDUNDANT1400W PS**

Various Racks and Cabling. Housed within a 10" industry-standard rack, SuperBlade servers reduce server footprint in the data center. Power, cooling and networking devices are aggregated in the rear of the chassis which optimizes the required amount of space. - Up to 10 ...


Supermicro




Manuf part# SBE-714D-R42

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**\$2697.74**

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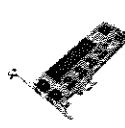
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3

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Lineint 960W



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**DESIGN MARK**

**Serial Number**

76068407

**Status**

SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**

ASTEC

**Standard Character Mark**

No

**Registration Number**

2742824

**Date Registered**

2003/07/29

**Type of Mark**

TRADEMARK

**Register**

PRINCIPAL

**Mark Drawing Code**

(1) TYPED DRAWING

**Owner**

Astec International Limited CORPORATION HONG KONG 16th Floor Lu Plaza  
2 Wing Yip Street Kwun Tong Kowloon HONG KONG

**Goods/Services**

Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
AC/DC rectifiers, fan trays, [ circuit breaker panels,] power  
conversion networks and devices, namely, platforms, rectifiers, switch  
mode rectifiers, converters, inverters, [ transformers,] power  
supplies, point of use power supplies, integrated point of use power  
supplies, adapters, power switchers, breakers, breaker interface  
panels, power distribution elements, [ shelves,] chargers, [  
generators,] ringing generators, [ fan management units, ] rack  
converters and monitors used to sense power surges and failures, power  
anomalies, power distribution performance and power control parameters  
and information and reporting of same by means of alarm or reports,  
power systems for telephone equipment, DC/DC devices, namely,  
board-mount modules, and converters, [ and inverters, encoders,  
electrical and electronic tuners,] switching power supplies, [  
inverters, microprocessor inverters and RF interface units; cables and  
connectors, panel meters, potentiometers, and toroids; electronic  
displays,] satellite television equipment, namely, adapters for

powering set-top boxes [; semiconductors; inductors; capacitors; resistors; power supplies, modulators; monitors which determine the severity of an alarm and remotely request the appropriate level of intervention by maintenance and other personnel and for scheduling maintenance activities; and ballasts ]. First Use: 1974/08/22. First Use In Commerce: 1974/08/22.

**Filing Date**

2000/06/13

**Examining Attorney**

BUTLER, MIDGE

**Attorney of Record**

Michael P. Brennan, Lisa M. DuRoss



ASTEC

**Print: Jul 11, 2012**

**76665242**

**DESIGN MARK**

**Serial Number**  
76665242

**Status**  
REGISTERED

**Word Mark**  
ABITRONIX

**Standard Character Mark**  
Yes

**Registration Number**  
3529557

**Date Registered**  
2008/11/11

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Abitronix LLC LIMITED LIABILITY COMPANY NEW JERSEY 27 Ironia Road  
Flanders NEW JERSEY 07836

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Residential structured wiring equipment, namely, multi-media  
connection cables, network enclosures, namely, wide area and local  
network modules, RF modulators, television modulator modules, AC/DC  
power modules, power port modules, namely, electrical power  
distribution units, audio signal splitter modules, television combined  
audio/video signal splitter modules, data hub and telephone hub  
modules, namely, electrical connectors capable of carrying voice and  
data signals; cable television equipment, namely, A-B switches,  
adapters, amplifiers, attenuators, cable television amplifiers, cable  
television home amplifiers, coaxial cable, coaxial cable connectors,  
directional acoustic couplers, diplexers incorporating filters,  
grounding blocks for electric power, home RF modulators, racks for  
amplifiers, voltage surge suppressors, modems, and racks for  
computers; telecommunication equipment, namely, coaxial cables, coiled  
handset cords for telephones, face plates in the nature of electric  
switch plates, telephone connectors in the nature of jacks, modular

plug-wire connectors, telephone connectors in the nature of modular surface jacks, patch cords in the nature of electric cords, patch panels in the nature of electric control panels, racks for amplifiers, wall plates in the nature of electric switch plates, wiring blocks, two post open frame racks for computer hardware, computer server cabinets and telephone connectors in the nature of modular surface jacks; data processing equipment, namely, coaxial cable, telephone connectors in the nature of jacks, wall plates in the nature of electric switch plates, modular plug-wire connectors, patch cords in the nature of electric cords, patch panels in the nature of electric control panels, racks for amplifiers, wall plates in the nature of electric switch plates, two post open frame racks for computer hardware; satellite video-audio connection cables, high definition multimedia interface digital connection cables, television signal combiner/splitter modules; fiber optic equipment, namely, fiber optic cables, plug connectors, fiber optic patch cords, media converters, digital signal level meters, signal mode connectors, multi-mode signal connectors and PC signal mode connectors; closed circuit television video surveillance equipment, namely, camera housings, cameras, electronic chip cards, digital video recorder electronic chip cards for computers, housing mounts for cameras and monitors, integrated systems and information services personal computer-based digital video recorders, optical lenses, multiplexers, pan-tilt-zoom cameras for surveillance and stand alone digital video recorders; consumer electronics, namely, DVD players, computer monitors, RF modulators, voltage surge protectors, coaxial voltage surge suppressors, coaxial voltage ground insulators, audio/video modulators, UHF triple audio/video signal modulators, audio/video matrix switches and progressive scan channel DVD players. First Use: 1998/01/02. First Use In Commerce: 1998/01/02.

**Filing Date**

2006/08/29

**Examining Attorney**

LOWRY, LEIGH

**Attorney of Record**

CHARLES E. BAXLEY

# ABITRONIX

**Print: Jul 11, 2012**

**77533398**

**DESIGN MARK**

**Serial Number**  
77533398

**Status**  
REGISTERED

**Word Mark**  
WDU

**Standard Character Mark**  
Yes

**Registration Number**  
3778887

**Date Registered**  
2010/04/20

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Weidmuller Interface Gmbh & Co. KG CORPORATION FED REP GERMANY  
Klingenbergrasse 16 Detmold FED REP GERMANY 32758

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electrical terminals for electric wires and electric cables;  
electrical connectors; electrical housings for switches and circuit  
breakers; electrically insulated electric relay, electric switch and  
electrical terminal housings made of synthetic plastic material;  
modular electrical power distribution terminal blocks; electrical  
terminal strips, namely, terminal strips for wire contacts; plug-in  
electrical connectors; clip-on electronic integrated circuit modules;  
mounting racks for circuit breakers and switches; protective  
electrical distribution boxes and control panels; electrical test  
plugs; electrical connectors, namely, cross-conductor connectors.  
First Use: 1985/01/01. First Use In Commerce: 1985/01/01.

**Filing Date**  
2008/07/29

**Examining Attorney**

**Print: Jul 11, 2012**

**77533398**

VAGHANI, MAYUR

**Attorney of Record**

Lawrence E. Laubscher, Sr.

WDU

**DESIGN MARK**

**Serial Number**  
78743339

**Status**  
SECTION 8 & 15--ACCEPTED AND ACKNOWLEDGED

**Word Mark**  
MILITARY POWER

**Standard Character Mark**  
Yes

**Registration Number**  
3153783

**Date Registered**  
2006/10/10

**Type of Mark**  
TRADEMARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(4) STANDARD CHARACTER MARK

**Owner**  
Madden, Paul Daniel INDIVIDUAL UNITED STATES 219 Park Avenue East  
Mansfield OHIO 449021845

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Apparatus for converting electronic radiation to electrical energy,  
namely photovoltaic solar modules; Automatic electrical distribution  
apparatus; Batteries; Batteries for vehicles; Battery cables; Battery  
cases; Battery charge devices; Battery chargers; Cables for electrical  
or optical signal transmission; Circuit breakers; Connecting  
electrical cables; Connection cables; Converters; Converters for  
electric plugs; Distribution transformers; Electric converters;  
Electric distribution consoles; Electric fuse boxes; Electric storage  
batteries; Electrical cables; Electrical cells and batteries;  
Electrical distribution boxes; Electrical fuses; Electrical power  
distribution blocks; Electrical storage batteries; Frequency  
converters; Fuse clips and panel-mounted fuse holders for use with  
electronic glass and ceramic fuses; Fuses; High-frequency switching  
power supplies; Inverters; Jumper cables; Mounting racks for computer  
hardware; Mounting racks for telecommunications hardware; Power  
cables; Power controllers; Power distributing boxes; Power line



**Print: Jul 11, 2012**

**78743339**

conditioners; Power supplies; Power switches; Rechargeable electric batteries; Threaded cable connectors of metal; Voltage regulators for electric power. First Use: 2001/01/15. First Use In Commerce: 2001/01/15.

**Filing Date**

2005/10/31

**Examining Attorney**

PINO, BRIAN

# Military Power

**Print: Jul 11, 2012**

**85178646**

**DESIGN MARK**

**Serial Number**  
85178646

**Status**  
REGISTERED

**Word Mark**  
TRIPP•LITE

**Standard Character Mark**  
No

**Registration Number**  
3993102

**Date Registered**  
2011/07/12

**Type of Mark**  
TRADEMARK; SERVICE MARK

**Register**  
PRINCIPAL

**Mark Drawing Code**  
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

**Owner**  
Trippe Manufacturing Company CORPORATION ILLINOIS 1111 W. 35th Street  
Chicago ILLINOIS 60609

**Goods/Services**  
Class Status -- ACTIVE. IC 009. US 021 023 026 036 038. G & S:  
Electrical power distribution assemblies for multiple outlets; KVM  
switches; auxiliary power supplies for supplying electrical power;  
power line filters; uninterruptible electrical power supplies; voltage  
surge suppressors; electronic products, namely, power inverters;  
battery chargers; battery cases; battery cartridges for  
uninterruptible power supplies; electrical isolation transformers; USB  
hubs; USB hardware; rack enclosures for computer equipment; rack  
enclosures for electronic equipment; cables, namely, audio cables,  
audio/video cables, computer cables, computer networking cables, power  
cables, USB cables and video cables; signal splitters for electronic  
apparatus; switches for electronic apparatus; cooling devices, namely,  
a heat exchanger, pump and fan that circulates cooled air for  
electronic equipment; fans for cooling computer hardware contained in  
rack enclosures; notebook computer cooling pads; network management  
products, namely, SNMP (simple network management protocol) cards;  
computer hardware for remote monitoring and control of environmental

conditions, such as temperature and humidity in network environments; computer hardware for controlling and monitoring UPS (uninterruptible power supply) systems; computer software for controlling and monitoring UPS (uninterruptible power supply) systems and computer network systems; computer peripherals; remote controls for presentation devices; computer carrying cases and bags; webcams; audio speakers. First Use: 1997/04/00. The mark was first used anywhere in a different form other than that sought to be registered at least as early as 02/00/1961.. First Use In Commerce: 1997/04/00.

**Goods/Services**

Class Status -- ACTIVE. IC 037. US 100 103 106. G & S: providing on-site start up, repair and maintenance services for power supply products. First Use: 1997/04/00. First Use In Commerce: 1997/04/00.

**Prior Registration(s)**

1758013;1758014;2804960;AND OTHERS

**Description of Mark**

The mark consists of the term "TRIPP-LITE" inside two horizontal lines with solid circle sections above and below the horizontal lines on the left side and an outline of circle sections above and below the horizontal lines on the right side.

**Colors Claimed**

Color is not claimed as a feature of the mark.

**Filing Date**

2010/11/17

**Examining Attorney**

SEVERSON, KAREN

**Attorney of Record**

Larry L. Saret



**To:** LayerZero Power Systems, Inc. ([ipdocket@calfee.com](mailto:ipdocket@calfee.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85578591 - LAYERZERO - 28142/04006  
**Sent:** 7/11/2012 9:59:27 PM  
**Sent As:** ECOM109@USPTO.GOV  
**Attachments:**

**IMPORTANT NOTICE REGARDING YOUR  
U.S. TRADEMARK APPLICATION**

**USPTO OFFICE ACTION HAS ISSUED ON 7/11/2012 FOR  
SERIAL NO. 85578591**

Please follow the instructions below to continue the prosecution of your application:

**TO READ OFFICE ACTION:** Click on this [link](http://portal.uspto.gov/external/portal/tow) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

**PLEASE NOTE:** The Office action may not be immediately available but will be viewable within 24 hours of this e-mail notification.

**RESPONSE IS REQUIRED:** You should carefully review the Office action to determine (1) how to respond; and (2) the applicable response time period. Your response deadline will be calculated from 7/11/2012 (or sooner if specified in the office action).

**Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System Response Form.**

**HELP:** For *technical* assistance in accessing the Office action, please e-mail [TDR@uspto.gov](mailto:TDR@uspto.gov). Please contact the assigned examining attorney with questions about the Office action.

**WARNING**

**Failure to file the required response by the applicable deadline will result in the ABANDONMENT of your application.**

\*\*\* User:cking2 \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	2122	N/A	0	0	0:02	*la{"icy"1:2}r*[bi,ti] and live[ld]
02	88159	N/A	0	0	0:03	*z*[bi,ti] and live[ld]
03	21682	N/A	0	0	0:03	*0*[bi,ti] and live[ld]
04	60	0	60	57	0:01	1 and (2 or 3) and live[ld]
05	1123	N/A	0	0	0:02	1 and "009"[cc] and live[ld]
06	328	N/A	0	0	0:02	1 and ("009" a b 200)[ic] and live[ld]
07	230	0	230	204	0:02	*layer*[bi,ti] and ("009" a b 200)[ic] and live[ld]

Session started 6/29/2012 2:56:04 PM

Session finished 6/29/2012 3:05:52 PM

Total search duration 0 minutes 15 seconds

Session duration 9 minutes 48 seconds

Default NEAR limit=1 ADJ limit=1

Sent to TIGRS as Serial Number: 85578591

**From:** TMDesignCodeComments  
**Sent:** Saturday, March 31, 2012 00:17 AM  
**To:** ipdocket@calfee.com  
**Subject:** Notice of Pseudo Mark for Serial Number: 85578591  
**ATTORNEY REFERENCE NUMBER:** 28142/04006

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The USPTO may assign pseudo marks, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

Response to this notice is not required; however, to suggest additions or changes to the pseudo mark assigned to your mark, please e-mail [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV). You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

**Pseudo marks assigned to the referenced serial number are listed below.**

**PSEUDO MARK:**

LAYER ZERO



## Trademark/Service Mark Application, Principal Register

Serial Number: 85578591

Filing Date: 03/23/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85578591
MARK INFORMATION	
*MARK	<u>LAYERZERO</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	LAYERZERO
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	LayerZero Power Systems, Inc.
*STREET	8893 Lake in the Woods Trail
*CITY	Chagrin Falls
*STATE (Required for U.S. applicants)	Ohio
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	44023
EMAIL ADDRESS	ipdocket@calfee.com
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Ohio
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	009

<b>*IDENTIFICATION</b>	Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems, electrical uninterruptible power systems, switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power distribution systems
<b>FILING BASIS</b>	SECTION 1(b)
<b>ATTORNEY INFORMATION</b>	
<b>NAME</b>	Raymond Rundelli
<b>ATTORNEY DOCKET NUMBER</b>	28142/04006
<b>FIRM NAME</b>	Calfee, Halter & Griswold LLP
<b>INTERNAL ADDRESS</b>	The Calfee Building
<b>STREET</b>	1405 East Sixth Street
<b>CITY</b>	Cleveland
<b>STATE</b>	Ohio
<b>COUNTRY</b>	United States
<b>ZIP/POSTAL CODE</b>	44114-1607
<b>PHONE</b>	216-622-8200
<b>FAX</b>	216-241-0816
<b>EMAIL ADDRESS</b>	ipdocket@calfee.com
<b>AUTHORIZED TO COMMUNICATE VIA EMAIL</b>	Yes
<b>OTHER APPOINTED ATTORNEY</b>	Charles B. Lyon, Leonard L. Lewis, John T. Wiedemann, John E. Miller, Tara A. Kastelic, John S. Cipolla, Daniel J. McMullen, Nenad Pejic, Sean T. Moorhead, George R. Hoskins, Brian E. Kondas, Jennifer B. Wick, Chet J. Bonner, Timothy J. Connors, Ryan W. Falk, William A. Johnston, Kenneth J. Smith, Georgia E. Yanchar, David J. Grover, Mark W. McDougall, Juliet P. Castrovinci, Mark A. Watson, Raymond Russell, Adam P. Slepecky, Billy C. Raulerson, Kimberly A. Textoris, Krishna C.V. Grandhi and Jenny L. Sheaffer

<b>CORRESPONDENCE INFORMATION</b>	
NAME	Raymond Rundelli
FIRM NAME	Calfee, Halter & Griswold LLP
INTERNAL ADDRESS	The Calfee Building
STREET	1405 East Sixth Street
CITY	Cleveland
STATE	Ohio
COUNTRY	United States
ZIP/POSTAL CODE	44114-1607
PHONE	216-622-8200
FAX	216-241-0816
EMAIL ADDRESS	ipdocket@calfee.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
<b>SIGNATURE INFORMATION</b>	
SIGNATURE	/Raymond Rundelli/
SIGNATORY'S NAME	Raymond Rundelli
SIGNATORY'S POSITION	Attorney of record, Ohio bar member
DATE SIGNED	03/23/2012

## **Trademark/Service Mark Application, Principal Register**

**Serial Number: 85578591**

**Filing Date: 03/23/2012**

### **To the Commissioner for Trademarks:**

**MARK:** LAYERZERO (Standard Characters, see mark)

The literal element of the mark consists of LAYERZERO.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, LayerZero Power Systems, Inc., a corporation of Ohio, having an address of  
8893 Lake in the Woods Trail  
Chagrin Falls, Ohio 44023  
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 009: Electrical static transfer switches, electrical power distribution units, electrical remote power panels, electrical grid isolation systems, electrical uninterruptible power systems, switchboards, electrical monitoring systems, namely voltage, current, power and energy measurement and recording apparatus, electrical generator controls, rectifiers, battery chargers, inverters, inverter/static switch systems and DC power distribution systems

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

### **The applicant's current Attorney Information:**

Raymond Rundelli and Charles B. Lyon, Leonard L. Lewis, John T. Wiedemann, John E. Miller, Tara A. Kastelic, John S. Cipolla, Daniel J. McMullen, Nenad Pejic, Sean T. Moorhead, George R. Hoskins, Brian E. Kondas, Jennifer B. Wick, Chet J. Bonner, Timothy J. Connors, Ryan W. Falk, William A. Johnston, Kenneth J. Smith, Georgia E. Yanchar, David J. Grover, Mark W. McDougall, Juliet P. Castrovinci, Mark A. Watson, Raymond Russell, Adam P. Slepecky, Billy C. Raulerson, Kimberly A. Textoris, Krishna C.V. Grandhi and Jenny L. Sheaffer of Calfee, Halter & Griswold LLP

The Calfee Building  
1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
United States

The attorney docket/reference number is 28142/04006.

The applicant's current Correspondence Information:

Raymond Rundelli  
Calfee, Halter & Griswold LLP  
The Calfee Building  
1405 East Sixth Street  
Cleveland, Ohio 44114-1607  
216-622-8200(phone)  
216-241-0816(fax)  
ipdocket@calfee.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

#### **Declaration Signature**

Signature: /Raymond Rundelli/ Date: 03/23/2012  
Signatory's Name: Raymond Rundelli  
Signatory's Position: Attorney of record, Ohio bar member  
RAM Sale Number: 3709  
RAM Accounting Date: 03/26/2012

Serial Number: 85578591  
Internet Transmission Date: Fri Mar 23 16:40:29 EDT 2012  
TEAS Stamp: USPTO/BAS-207.54.134.4-20120323164029786  
738-85578591-490dd2c215109c2cbeed89acda3  
d8a34f-DA-3709-20120323161231036475

# LAYERZERO

# LAYERZERO